

EXHIBIT 13

Melanie Freiberg
February 16, 2023

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

-----x

AUBRY MCMAHON,

Plaintiff, Case No.: 2:21-cv-00920

-against-

WORLD VISION, INC.,

Defendant.

-----x

VIDEO CONFERENCE
DEPOSITION

February 16, 2023
2:00 p.m.

EXAMINATION BEFORE TRIAL of

MELANIE FREIBERG, a nonparty witness on behalf
of the Defendant herein, taken by the attorney(s)
for the Plaintiff, pursuant to Notice, held at
the above-mentioned time and place, before
THERESA RATIGAN, a shorthand reporter and Notary
Public within and for the State of New York.

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<p style="text-align: right;">Page 2</p> <p>1 2 A P P E A R A N C E S: 3 4 NISAR LAW GROUP, PC Attorneys for Plaintiff 5 60 East 42nd Street, Suite 4600 New York, New York 10165 6 7 BY: CASEY WOLNOWSKI, ESQ. cwolnowski@nisarlaw.com 8 9 GAMMON & GRANGE, PC Attorneys for Defendant 10 1945 Old Gallows Road Tysons, Virginia 22182 11 12 BY: SCOTT J. WARD, ESQ. sjw@gg-law.com J. MATTHEW SZYMANSKI, ESQ. jms@gg-law.com 13 14 15 16 A L S O P R E S E N T: 17 18 STEVE McFARLAND, Chief Legal Officer for World Vision Incorporated 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 M. Freiberg 2 (Time noted: 2:06 p.m.) 3 THE REPORTER: Good afternoon. My name 4 is Theresa Ratigan. I'm with U.S. Legal 5 Support, and I am the court reporter this 6 afternoon. 7 The attorneys participating in this 8 deposition acknowledge that I am not 9 physically present in the deposition room and 10 that I will be reporting this deposition 11 remotely. 12 They further acknowledge that, in lieu of 13 an oath administered in person, I will 14 administer the oath remotely under penalty of 15 perjury. 16 The parties and their counsel consent to 17 this arrangement and waive any objections to 18 this manner of reporting. 19 Please indicate your agreement by stating 20 your name and your agreement on the record; 21 counsels only, please. 22 MR. WOLNOWSKI: Yes, Teri. 23 MR. WARD: My name is Scott Ward, and 24 yes, I agree. 25 (Identification of witness verified)</p>
<p style="text-align: right;">Page 3</p> <p>1 2 3 IT IS HEREBY STIPULATED AND AGREED by and between the parties hereto, through their 4 respective counsel, that the certification, sealing, 5 and filing of the within examination will be, and the 6 same are hereby waived; 7 8 IT IS FURTHER STIPULATED AND AGREED that 9 all objections, except as to the form of the 10 question, will be reserved to the time of the trial; 11 12 IT IS FURTHER STIPULATED AND AGREED that 13 the within examination may be signed before any 14 Notary Public with the same force and effect as if 15 signed and sworn to before this Court. 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 5</p> <p>1 M. Freiberg 2 M E L A N I E F R E I B E R G, a nonparty witness 3 herein, after having first been duly sworn by a 4 Notary Public of the State of New York, upon being 5 examined, testified as follows: 6 BY THE REPORTER: 7 Q Please state your name for the record. 8 A Melanie Freiberg. 9 Q And your address for the record? 10 A 12955 Southeast 288th Place in Auburn, 11 Washington, ZIP code 98092. 12 EXAMINATION BY MR. WOLNOWSKI: 13 Q Good afternoon, Ms. Freiberg. My name is 14 Casey Wolnowski. Let me go over some of the ground 15 rules. I represent the plaintiff, Aubry McMahon, 16 with respect to her lawsuit against World Vision 17 Incorporated. 18 You are not personally a defendant in 19 this lawsuit; do you understand that? 20 A Yes, I do. 21 Q I'm going to ask you a series of 22 questions concerning the circumstances surrounding 23 Ms. McMahon seeking employment with World Vision. My 24 goal today is not to confuse you. If you do not 25 understand a question that I ask you, please tell me</p>

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<p style="text-align: right;">Page 6</p> <p>1 M. Freiberg</p> <p>2 that you do not understand, or ask me to rephrase the</p> <p>3 question and I will do my best to do that.</p> <p>4 In other words, unless you tell me, I'll</p> <p>5 assume that by you answering the question, you had no</p> <p>6 problem understanding the question; is that okay?</p> <p>7 A I understand.</p> <p>8 Q If you'd like to take a break, we can do</p> <p>9 that; however, all that I ask is that if there is a</p> <p>10 pending question, please answer before we take a</p> <p>11 break.</p> <p>12 Do you understand?</p> <p>13 A I understand.</p> <p>14 Q Please verbalize your answers. Shaking</p> <p>15 of head or answers such as "uh-huh" may not</p> <p>16 necessarily be clear for the court reporter who is</p> <p>17 typing down your answers today.</p> <p>18 Also, please wait until I finish my</p> <p>19 question before you answer. Not only will that make</p> <p>20 for the creation of a cleaner record, it will also</p> <p>21 make the court reporter's life easier today.</p> <p>22 Is that okay?</p> <p>23 A Yes.</p> <p>24 Q Given we are conducting this deposition</p> <p>25 remotely via video, there are a few questions I would</p>	<p style="text-align: right;">Page 8</p> <p>1 M. Freiberg</p> <p>2 reporter; thus, are you aware that you are under oath</p> <p>3 today?</p> <p>4 A I understand that.</p> <p>5 Q Do you understand that the oath you took</p> <p>6 today is the same oath you would take as if this were</p> <p>7 a trial before a judge?</p> <p>8 A Yes, I do.</p> <p>9 Q Do you understand that with the oath you</p> <p>10 just took, you agreed to tell truth, the whole truth,</p> <p>11 and nothing but the truth?</p> <p>12 A Yes, I understand.</p> <p>13 Q The questions that I'm about to ask you</p> <p>14 are routine that I ask every person before I depose</p> <p>15 them.</p> <p>16 Are you under the influence of drugs or</p> <p>17 alcohol today?</p> <p>18 A I am not.</p> <p>19 Q Are you under the influence of any</p> <p>20 medication which may impair your ability to</p> <p>21 understand my questions or to tell the truth?</p> <p>22 A I am not.</p> <p>23 Q Can you think of any reason why you</p> <p>24 cannot provide truthful testimony here today?</p> <p>25 A I cannot.</p>
<p style="text-align: right;">Page 7</p> <p>1 M. Freiberg</p> <p>2 like to ask.</p> <p>3 Is there anyone else in the room aside</p> <p>4 from your two attorneys, Mr. Ward and Mr. McFarland,</p> <p>5 today?</p> <p>6 A There is not.</p> <p>7 Q If anybody enters the room where you are</p> <p>8 sitting during the deposition, I kindly ask that you</p> <p>9 please identify that person for me.</p> <p>10 Do you have any papers or documents in</p> <p>11 front of you or anything viewable on the computer</p> <p>12 screen aside from this video platform?</p> <p>13 A I do not.</p> <p>14 Q If at any point that changes, please</p> <p>15 inform me what documents you have in front of you or</p> <p>16 what is on your screen.</p> <p>17 I also kindly ask that you not</p> <p>18 communicate with your attorney or any other</p> <p>19 individual when testifying on the record, this</p> <p>20 include communication via text, e-mail, instant</p> <p>21 messaging, GChat, WhatsApp, or any other electronic</p> <p>22 chat function.</p> <p>23 Do you understand that?</p> <p>24 A I do.</p> <p>25 Q You were previously sworn in by the court</p>	<p style="text-align: right;">Page 9</p> <p>1 M. Freiberg</p> <p>2 Q Has anybody told you not to give truthful</p> <p>3 testimony here today?</p> <p>4 A No.</p> <p>5 Q Did you review any documents in</p> <p>6 preparation for today's deposition?</p> <p>7 A I did review my own documents.</p> <p>8 Q Can you please tell me which documents</p> <p>9 you reviewed in preparation for today's deposition?</p> <p>10 A E-mails that I sent, and I also reviewed</p> <p>11 documents that included correspondence that I had,</p> <p>12 and I reviewed basic information like the job</p> <p>13 description, that sort of thing.</p> <p>14 Q Anything else?</p> <p>15 A I don't think so, no.</p> <p>16 Q Did you listen to any audio recordings in</p> <p>17 preparation for today's deposition?</p> <p>18 A I did listen to an audio recording.</p> <p>19 Q Can you please tell me what the audio</p> <p>20 recording was of?</p> <p>21 A It was an audio recording that was taken</p> <p>22 without my consent by Ms. McMahon that included a</p> <p>23 portion of the discussion that I had with her on</p> <p>24 January 8th.</p> <p>25 Q Did you speak with anyone aside from your</p>

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<p style="text-align: right;">Page 10</p> <p>1 M. Freiberg</p> <p>2 attorney in preparation for today's deposition?</p> <p>3 A I did not.</p> <p>4 Q Ms. Freiberg, have you ever been deposed</p> <p>5 before?</p> <p>6 A I have not.</p> <p>7 Q For whom are you currently employed?</p> <p>8 A I'm employed with World Vision.</p> <p>9 Q Ms. Freiberg, do you have bachelor's</p> <p>10 degree?</p> <p>11 A I do.</p> <p>12 Q From where?</p> <p>13 A From Concordia University in Montreal,</p> <p>14 Canada.</p> <p>15 Q When did you receive that degree?</p> <p>16 A 1989.</p> <p>17 Q Do you have any degree beyond a</p> <p>18 bachelor's degree?</p> <p>19 A I do not.</p> <p>20 Q When did you first start working for</p> <p>21 World Vision?</p> <p>22 A In 2018.</p> <p>23 Q What was your position with World Vision</p> <p>24 when you first started working for them in 2018?</p> <p>25 A My position in 2018 was HR director,</p>	<p style="text-align: right;">Page 12</p> <p>1 M. Freiberg</p> <p>2 physically as opposed to working remotely?</p> <p>3 A Well, since the pandemic, I have been</p> <p>4 working primarily from home.</p> <p>5 Q So is it fair to say that since in or</p> <p>6 around March of 2022, you have been working primarily</p> <p>7 remotely for World Vision Incorporated?</p> <p>8 A Since the pandemic. Is that when the</p> <p>9 pandemic started? Was it -- when did the pandemic</p> <p>10 start; was it in March of --</p> <p>11 Q Well, we can di- -- we could probably</p> <p>12 dispute when it occurred and what parts of the world,</p> <p>13 but I think generally speaking, it's generally</p> <p>14 understood that it really hit the United States of</p> <p>15 America beginning March of 2020.</p> <p>16 A Yes.</p> <p>17 Q Okay.</p> <p>18 A Since --</p> <p>19 Q So --</p> <p>20 A Since that time, since March of 2020, I</p> <p>21 have been working primarily from home.</p> <p>22 Q Ms. Freiberg, if you could, please</p> <p>23 explain to me what were the primary duties and</p> <p>24 responsibilities of a person holding the title of</p> <p>25 HR director of talent management for World Vision as</p>
<p style="text-align: right;">Page 11</p> <p>1 M. Freiberg</p> <p>2 talent management.</p> <p>3 Q Did you have any position beyond that</p> <p>4 after 2018?</p> <p>5 A My current title is senior director --</p> <p>6 senior HR director, talent management.</p> <p>7 Q And when did you assume that role,</p> <p>8 Ms. Freiberg?</p> <p>9 A I -- last year in 2022.</p> <p>10 Q Aside from HR director, talent</p> <p>11 management, and senior director of talent management,</p> <p>12 have you held any other positions with World Vision?</p> <p>13 A I have not.</p> <p>14 Q Ms. Freiberg, what was your job title</p> <p>15 with World Vision in 2021?</p> <p>16 A It was HR director, talent management.</p> <p>17 Q In January of 2021, where was the office</p> <p>18 physically located from which you primarily worked?</p> <p>19 A It's located in Federal Way, Washington.</p> <p>20 Q Is that the same office out of which you</p> <p>21 primarily work as of today, February 16th, 2023?</p> <p>22 A I primarily work remotely at home since</p> <p>23 the pandemic.</p> <p>24 Q Ms. Freiberg, in the month of January of</p> <p>25 2021, how frequently did you work in the office</p>	<p style="text-align: right;">Page 13</p> <p>1 M. Freiberg</p> <p>2 of January of 2021.</p> <p>3 A The primary functions of my role in 2021</p> <p>4 are that I have responsibility over two teams; the</p> <p>5 talent acquisition team and the HR business partners.</p> <p>6 Q If you could, please explain to me the</p> <p>7 responsibilities over the talent acquisition team as</p> <p>8 it existed in January of 2021, from your</p> <p>9 recollection.</p> <p>10 A The talent acquisition team are</p> <p>11 responsible to work with hiring managers to fill open</p> <p>12 positions; they post roles, they source applicants,</p> <p>13 they screen candidates, coordinate interviews, and</p> <p>14 present offers to candidates.</p> <p>15 Q What you just described, were those more</p> <p>16 or less your core functions with respect to the</p> <p>17 talent acquisition team as part of the role of</p> <p>18 HR director, talent management in January of 2021 for</p> <p>19 World Vision Incorporated?</p> <p>20 MR. WARD: I'm going to object as to form</p> <p>21 and in a -- just -- sorry, I didn't catch it</p> <p>22 all. I'm going to object to the form.</p> <p>23 What month did you say?</p> <p>24 MR. WOLNOWSKI: January of 2021.</p> <p>25 MR. WARD: Okay. Thank you.</p>

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<p style="text-align: right;">Page 14</p> <p>1 M. Freiberg</p> <p>2 A My core responsibilities were to oversee</p> <p>3 the team that performed those functions.</p> <p>4 Q Ms. Freiberg, from your knowledge,</p> <p>5 experience, and observations, have those changed at</p> <p>6 all between January of 2021 and today?</p> <p>7 A They have not changed.</p> <p>8 Q At any point during your employment with</p> <p>9 World Vision Incorporated, have you received training</p> <p>10 regarding discrimination in the workplace?</p> <p>11 A Not specific training regarding</p> <p>12 discrimination in the workplace.</p> <p>13 Q Have you received any training regarding</p> <p>14 discrimination in the workplace?</p> <p>15 A Is your question again tied to January of</p> <p>16 2021?</p> <p>17 Q At any point during your employment with</p> <p>18 World Vision Incorporated.</p> <p>19 A I have received on-boarding in</p> <p>20 conjunction with my role to help me perform my role,</p> <p>21 which includes legal as well as, you know, employment</p> <p>22 policies in support of performing my role.</p> <p>23 Q Did any of the on-boarding you received</p> <p>24 include preventing discrimination in the workplace?</p> <p>25 A The -- the -- the on-boarding that I</p>	<p style="text-align: right;">Page 16</p> <p>1 M. Freiberg</p> <p>2 Aubry Atwood?</p> <p>3 A Yes, I am.</p> <p>4 Q Now, Ms. Freiberg, going forward, I'm</p> <p>5 going to represent to you that Aubry McMahon and</p> <p>6 Aubry Atwood are the same person, and I will refer to</p> <p>7 her going forward as Aubry McMahon, or simply Aubry,</p> <p>8 or Ms. McMahon.</p> <p>9 Do you understand that?</p> <p>10 A I do.</p> <p>11 Q I'm sorry, I didn't hear your answer.</p> <p>12 A I do understand that.</p> <p>13 Q Was Aubry McMahon an applicant for</p> <p>14 employment with World Vision Incorporated?</p> <p>15 A Yes.</p> <p>16 Q Do you recall the position with World</p> <p>17 Vision Incorporated for which she applied?</p> <p>18 A Yes. She applied for a position that is</p> <p>19 internally referenced -- the acronym is DSRT, and it</p> <p>20 stands for donor services representative trainee.</p> <p>21 Q Before we dive into talking about</p> <p>22 Ms. McMahon and her seeking employment with World</p> <p>23 Vision Incorporated, I'd first like to speak</p> <p>24 generally about the position of DSRT as you have</p> <p>25 described it; is that okay with you?</p>
<p style="text-align: right;">Page 15</p> <p>1 M. Freiberg</p> <p>2 received was tied to being a religious employer. So</p> <p>3 I learned, you know, World Vision rights as a result</p> <p>4 of being a religious employer.</p> <p>5 Q And if you could, please explain to me</p> <p>6 what that included.</p> <p>7 A Well, as a religious organization, we are</p> <p>8 able to require religious beliefs that align with</p> <p>9 World Vision's religious beliefs, and also to have</p> <p>10 certain expectations around conduct -- employee</p> <p>11 conduct that support those religious beliefs.</p> <p>12 Q When did that training take place as part</p> <p>13 of the on-boarding process, as you've mentioned? And</p> <p>14 by that, I mean, a month and a year or a season and a</p> <p>15 year, to the best of your recollection.</p> <p>16 A Well, on-boarding typically happens at</p> <p>17 the onset of employment. I started with World Vision</p> <p>18 in May of 2018, and the bulk of the on-boarding</p> <p>19 happened over the course of the first 60 to 90 days.</p> <p>20 And over the course of time, there is further</p> <p>21 learning that happens from being on the job that may</p> <p>22 not be a particular training class or program, but</p> <p>23 it's just other learning.</p> <p>24 Q Are you familiar with a person by the</p> <p>25 name of Aubry McMahon, or perhaps you know her as</p>	<p style="text-align: right;">Page 17</p> <p>1 M. Freiberg</p> <p>2 A Yes.</p> <p>3 Q I'm going to show you what will be marked</p> <p>4 as Plaintiff's Exhibit Number 1. It is a document</p> <p>5 which is Bates-stamped WV 48 through 50.</p> <p>6 (WHEREUPON, the above-referred-to</p> <p>7 document, Bates-stamped WV-000048 through</p> <p>8 WV-000050, was marked as Plaintiff's</p> <p>9 Exhibit 1, for identification, as of this</p> <p>10 date, and displayed by the court reporter.)</p> <p>11 Q Ms. Freiberg, please review this document</p> <p>12 and let me know once you've completed doing so.</p> <p>13 A Okay. Can I review it on a screen,</p> <p>14 please?</p> <p>15 MR. WARD: Let me -- if it's all right,</p> <p>16 Counsel, let me see if I can show it on a</p> <p>17 second screen and put that in front of the</p> <p>18 witness.</p> <p>19 Give me just one second here.</p> <p>20 (WHEREUPON, the witness was given the</p> <p>21 opportunity to review the entirety of the</p> <p>22 document.)</p> <p>23 (Time noted: 2:29 p.m.)</p> <p>24 Q Have you had a chance to review this</p> <p>25 document?</p>

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<p style="text-align: right;">Page 18</p> <p>1 M. Freiberg</p> <p>2 A I have.</p> <p>3 Q Do you recognize this document?</p> <p>4 A I do.</p> <p>5 Q Have you ever seen it before?</p> <p>6 A Yes, I believe so.</p> <p>7 Q What is it?</p> <p>8 A It's a job posting.</p> <p>9 Q Was this a job posting for the position</p> <p>10 of customer service representative with World Vision</p> <p>11 Incorporated?</p> <p>12 A It was.</p> <p>13 Q Is this the position for which Aubry</p> <p>14 McMahon applied with World Vision Incorporated?</p> <p>15 A Can you -- could I ask the court reporter</p> <p>16 to just scroll up a little bit further to the -- to</p> <p>17 looking at the specific dates up top?</p> <p>18 THE REPORTER: (Complying)</p> <p>19 A Well, what this record shows is that</p> <p>20 it -- it has a start date of February 1st, it just</p> <p>21 doesn't have a year on it as the -- to show the start</p> <p>22 date because we wouldn't normally put that in a</p> <p>23 posting. So I -- I believe that this would be the</p> <p>24 posting that was used for Ms. McMahon, I'm just not</p> <p>25 able to -- it doesn't show the specific date and year</p>	<p style="text-align: right;">Page 20</p> <p>1 M. Freiberg</p> <p>2 customer service representative to "be sensitive to</p> <p>3 donor's needs and pray with them when appropriate,"</p> <p>4 as well as "perform other duties assigned"?</p> <p>5 A Yes.</p> <p>6 Q If you could, please explain to me what</p> <p>7 was contemplated with respect to number 12, which is</p> <p>8 "perform other duties as assigned."</p> <p>9 A I believe that would be a better question</p> <p>10 for somebody who works in that donor contact services</p> <p>11 organization. I would not be able to provide</p> <p>12 specifics.</p> <p>13 Q Okay. So, Ms. Freiberg, as you sit here</p> <p>14 today, you don't know what the "other duties as</p> <p>15 assigned" entails; is that correct?</p> <p>16 A That's correct. I could speculate, but I</p> <p>17 don't know for certain.</p> <p>18 Q Well, I prefer you not to speculate.</p> <p>19 I -- it's one of those questions where you either</p> <p>20 know or you don't. And if you don't know, that's</p> <p>21 okay; but if you don't know, please tell me you don't</p> <p>22 know.</p> <p>23 A No. I don't know what those other duties</p> <p>24 are.</p> <p>25 Q Ms. Freiberg, in January of 2021, was it</p>
<p style="text-align: right;">Page 19</p> <p>1 M. Freiberg</p> <p>2 or the start date for this position.</p> <p>3 Q If you can explain to me, exactly what</p> <p>4 were the core functions and responsibilities of a</p> <p>5 customer service representative in January of 2021?</p> <p>6 A Well, this -- this position is, you know,</p> <p>7 the voice of World Vision, so this position is</p> <p>8 responsible to speak with donors and to be able to</p> <p>9 represent World Vision to those donors. This person</p> <p>10 must understand, as it describes in the document, who</p> <p>11 we are as an organization. The individual must be</p> <p>12 able to understand our vision, our mission, our</p> <p>13 strategies, our work, and must be able to pray with</p> <p>14 donors, must be able to be a witness to Jesus in how</p> <p>15 they perform their call center position.</p> <p>16 Q Ms. Freiberg, I'd like to direct your</p> <p>17 attention to page -- the second page, which is WV 49.</p> <p>18 MR. WOLNOWSKI: If you could -- Teri, if</p> <p>19 you could just please scroll down just a bit.</p> <p>20 THE REPORTER: (Complying)</p> <p>21 Q Ms. Freiberg, I'd like to direct your</p> <p>22 attention to numbers 11 and 12.</p> <p>23 Can you see those?</p> <p>24 A Yes.</p> <p>25 Q Were two of the core functions of a</p>	<p style="text-align: right;">Page 21</p> <p>1 M. Freiberg</p> <p>2 contemplated that an employee in the position of</p> <p>3 customer service representative would lead a</p> <p>4 congregation or be expected to regularly conduct</p> <p>5 religious services as part of his or her job</p> <p>6 responsibilities for World Vision Incorporated?</p> <p>7 MR. WARD: I'm going to object to the</p> <p>8 question. It's vague and ambiguous. It's</p> <p>9 also calling for a legal conclusion in some</p> <p>10 sense.</p> <p>11 You may answer to the extent you</p> <p>12 understand it.</p> <p>13 A Can you help me understand what you mean</p> <p>14 by "lead a congregation"?</p> <p>15 Q Do you understand what it means to lead a</p> <p>16 congregation?</p> <p>17 A Not in the context of this job.</p> <p>18 Q One moment.</p> <p>19 So I will define "lead" as it's defined</p> <p>20 by Merriam-Webster as "to guide on a way especially</p> <p>21 by going in advance or to direct on a course or in a</p> <p>22 direction or to serve as a channel for."</p> <p>23 And I will define for you "congregation"</p> <p>24 per Merriam-Webster as "an assembly of persons or a</p> <p>25 religion community."</p>

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<p style="text-align: right;">Page 22</p> <p>1 M. Freiberg</p> <p>2 Does that help you in guiding your</p> <p>3 answer?</p> <p>4 MR. WARD: Go ahead, you may answer.</p> <p>5 A Well, this role doesn't lead a</p> <p>6 congregation. The closest kind of responsibility</p> <p>7 that would meet this definition is that a member of</p> <p>8 the donor contact services group may lead devotions</p> <p>9 for their team, they may be part in leading a chapel</p> <p>10 in our work, they may lead a donor in prayer.</p> <p>11 Q Now, you used the word "may."</p> <p>12 Is it something that is obligatory as</p> <p>13 part of the job, to lead devotions, to lead chapels,</p> <p>14 or lead donors in prayer?</p> <p>15 A The devotions are an expectation to</p> <p>16 participate in devotions. At World Vision, teams</p> <p>17 decide how those devotions are lead, whether those</p> <p>18 devotions are shared among team members or -- you</p> <p>19 know, so the actual execution may vary across teams.</p> <p>20 In terms of expectation to lead chapel, it is an</p> <p>21 expectation to attend chapel, but leading a chapel is</p> <p>22 not -- it, you know, occurs, you know, based on</p> <p>23 interest and desire to lead. And in DCS, each year</p> <p>24 since I've joined at World Vision, there has been a</p> <p>25 devo- -- or, sorry, a chapel led by DCS and --</p>	<p style="text-align: right;">Page 24</p> <p>1 M. Freiberg</p> <p>2 question; vague and ambiguous, compound and</p> <p>3 complex, and to the extent it calls for a</p> <p>4 legal conclusion.</p> <p>5 And, Counsel, there -- it might be</p> <p>6 something where we should talk briefly without</p> <p>7 the witness present, because I want to make</p> <p>8 sure -- part of what you're asking, I think,</p> <p>9 is legitimate, but there's part of it that I</p> <p>10 want to clarify, and I want to do that in a</p> <p>11 way that doesn't get in the way of your</p> <p>12 appropriate questioning. So I don't know, if</p> <p>13 you -- if you want to keep going, I can keep</p> <p>14 objecting, we can keep going forward; but if</p> <p>15 it's helpful to talk outside the presence of</p> <p>16 the witness, I'm happy to do that as well.</p> <p>17 MR. WOLNOWSKI: That's fine.</p> <p>18 I would -- first, if you can please</p> <p>19 answer the question.</p> <p>20 We can speak on a break, if you'd like.</p> <p>21 But again, I spoke about this with your</p> <p>22 colleague before the deposition about speaking</p> <p>23 objections.</p> <p>24 Again, the rules are very clear that</p> <p>25 they're limited in terms of objecting and</p>
<p style="text-align: right;">Page 23</p> <p>1 M. Freiberg</p> <p>2 Q Now, Ms. Freiberg, I -- I want you to</p> <p>3 finish here, but just so we're clear, what does "DCS"</p> <p>4 stand for?</p> <p>5 A The donor contact services. So that is</p> <p>6 the name of this team.</p> <p>7 Q Understood.</p> <p>8 Please continue.</p> <p>9 A So I believe I was saying that in the</p> <p>10 time that I have been at World Vision, each year</p> <p>11 there is a chapel led by that team -- by DCS, and so</p> <p>12 it's possible that a -- a team member may take part</p> <p>13 in leading that or in organizing that chapel. And --</p> <p>14 yeah, so that -- that would be the example around</p> <p>15 chapel.</p> <p>16 Q But would it be obligatory and -- in</p> <p>17 other words, if someone said, "I either can't or</p> <p>18 won't do that," would that be a disqualifier for</p> <p>19 work? And when I say "disqualifier," I mean, would</p> <p>20 they be -- not be able to work because they are</p> <p>21 either unable or refusing to lead as opposed to just</p> <p>22 be --</p> <p>23 MR. WARD: Let me --</p> <p>24 Q -- as opposed to merely be a participant?</p> <p>25 MR. WARD: I'm going to object to the</p>	<p style="text-align: right;">Page 25</p> <p>1 M. Freiberg</p> <p>2 speaking objections. I kind of ask that we</p> <p>3 could all just adhere to those rules.</p> <p>4 Ms. Freiberg, if you understand the</p> <p>5 question, if you could please answer it.</p> <p>6 Teri, it might be easier for you to read</p> <p>7 it back.</p> <p>8 (WHEREUPON, the previous question was</p> <p>9 read by the court reporter.)</p> <p>10 A Okay.</p> <p>11 MR. WARD: And I renew the same</p> <p>12 objections.</p> <p>13 You may answer.</p> <p>14 A Okay. What -- what is a requirement of</p> <p>15 the role is to be able to lead prayer with donors on</p> <p>16 call with them. To lead a devotion or to lead a</p> <p>17 chapel would not be a required expectation, but it</p> <p>18 would be welcomed. On -- on the devotions, each --</p> <p>19 because each team manages that in their own unique</p> <p>20 way, I can't speak for what the expectation is at DCS</p> <p>21 for leading devotions. In my department, as an</p> <p>22 example, in human resources, each person leads</p> <p>23 devotions and we rotate it around, and it's a -- just</p> <p>24 an expectation.</p> <p>25 Q So just to be clear, Ms. Freiberg, you</p>

<p style="text-align: right;">Page 26</p> <p>1 M. Freiberg</p> <p>2 previously testified, if I understand, that customer</p> <p>3 service representatives may lead donors in prayer; is</p> <p>4 that correct?</p> <p>5 A And when I said "may," I meant that not</p> <p>6 every donor call may require prayer. So it would be</p> <p>7 at the opportune time, but the expectation to pray</p> <p>8 is -- is an expectation, because that's part of who</p> <p>9 we are.</p> <p>10 Q And is it an expectation that the</p> <p>11 customer service representative will initiate prayer?</p> <p>12 A I don't know enough about that.</p> <p>13 Q Is it an expectation that the customer</p> <p>14 service representative would lead prayer?</p> <p>15 MR. WARD: I'm going to object as vague</p> <p>16 and ambiguous.</p> <p>17 But you may answer.</p> <p>18 A Well, I -- I think I'm not really</p> <p>19 understanding the distinction. The expectation is</p> <p>20 that the donor contact services representative would</p> <p>21 pray either with or for or on behalf of the donor,</p> <p>22 which then means that they may be leading it, or they</p> <p>23 may be a participant in the prayer, or they may even</p> <p>24 be a recipient of the prayer.</p> <p>25 Q With respect to this number 11 where it</p>	<p style="text-align: right;">Page 28</p> <p>1 M. Freiberg</p> <p>2 I -- I don't know.</p> <p>3 Q In January of 2021, did a person employed</p> <p>4 in the position of customer service representative</p> <p>5 with World Vision Incorporated require a significant</p> <p>6 degree of religious training followed by a formal</p> <p>7 process of commissioning?</p> <p>8 MR. WARD: I'm going to object to that to</p> <p>9 the extent it calls for a legal conclusion.</p> <p>10 A Can you define "significant religious</p> <p>11 training"?</p> <p>12 Q Well, sure.</p> <p>13 So according to Merriam-Webster,</p> <p>14 having -- "significant" is defined as "having meaning</p> <p>15 or having or likely to have influence or effect."</p> <p>16 According to Merriam-Webster dictionary,</p> <p>17 the word "religious" is defined as "relating to or</p> <p>18 manifesting faithful devotion to an acknowledged</p> <p>19 ultimate reality or deity."</p> <p>20 And according to Merriam-Webster</p> <p>21 dictionary, the word "training" is defined as "the</p> <p>22 act, process, or method of one that trains or the</p> <p>23 skill, knowledge, or experience required by one that</p> <p>24 trains."</p> <p>25 MR. WARD: I'm going to renew the same</p>
<p style="text-align: right;">Page 27</p> <p>1 M. Freiberg</p> <p>2 states, "Be sensitive to donor's needs and pray with</p> <p>3 them when appropriate," to your knowledge, did</p> <p>4 customer service representatives, at least in</p> <p>5 January of 2021, did they receive training on when to</p> <p>6 determine when it was appropriate to engage in prayer</p> <p>7 with respect to speaking to a donor?</p> <p>8 A I'm not familiar with the details of the</p> <p>9 training program.</p> <p>10 Q So your answer is, in essence, you don't</p> <p>11 know?</p> <p>12 A Yes. I cannot speak to the details</p> <p>13 and -- I cannot speak to the detail of what the</p> <p>14 training entails.</p> <p>15 Q Do you know if there is any written</p> <p>16 materials, whether it be a guidebook, instruction</p> <p>17 manual, training manual, that would outline these or</p> <p>18 that would contain guidance as to this?</p> <p>19 MR. WARD: Objection as to form; vague</p> <p>20 and ambiguous.</p> <p>21 You may answer.</p> <p>22 A I have not seen that myself in my role.</p> <p>23 Q Do you know whether or not one exists?</p> <p>24 A I know that there is an extensive</p> <p>25 training program, but as to the documentation of it,</p>	<p style="text-align: right;">Page 29</p> <p>1 M. Freiberg</p> <p>2 objections, obviously.</p> <p>3 A It -- I think what I can say is that</p> <p>4 what's needed for the role is what's described in the</p> <p>5 position as the requirements.</p> <p>6 Q Well, what I can say is that, in my view</p> <p>7 of this, that the posting with respect to customer</p> <p>8 service representatives as exhibited in Plaintiff's</p> <p>9 Exhibit 1, it does not state that there is a</p> <p>10 requirement of significant religious training</p> <p>11 followed by a formal process of commissioning.</p> <p>12 Would you agree with my conclusion?</p> <p>13 MR. WARD: So I'm going to object to the</p> <p>14 extent it calls for a legal conclusion to the</p> <p>15 extent it's seeking an opinion without</p> <p>16 establishing a foundation, and to the extent</p> <p>17 that it's calling for speculation.</p> <p>18 Other than that, you can answer.</p> <p>19 A I'm not sure how to answer that question.</p> <p>20 Q Well, I asked you for your personal</p> <p>21 opinion.</p> <p>22 MR. WARD: Same objections, obviously.</p> <p>23 A I agree that it does not require any sort</p> <p>24 of religious training or certification, which I think</p> <p>25 was part of your question.</p>

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<p style="text-align: right;">Page 30</p> <p>1 M. Freiberg</p> <p>2 Q Does it require any kind of formal</p> <p>3 process of commissioning?</p> <p>4 MR. WARD: I'm going to object to that as</p> <p>5 vague and ambiguous, and to the extent it</p> <p>6 calls for a legal conclusion.</p> <p>7 Q You can answer the question if you</p> <p>8 understand it, Ms. Freiberg.</p> <p>9 A I -- I don't think I understand the term</p> <p>10 "commissioning" in the context of the employment of a</p> <p>11 donor contact services representative.</p> <p>12 Q According to Merriam-Webster's</p> <p>13 dictionary, "commissioning" is a noun related to the</p> <p>14 word "commission," which is "a formal written warrant</p> <p>15 granting to perform various acts or duties."</p> <p>16 A Well, the -- you know, the -- the closest</p> <p>17 I can answer your question is that, at the end of the</p> <p>18 11-week training, a person is -- either passes the</p> <p>19 training or they don't pass the training, and then</p> <p>20 they may perform the full essential functions of the</p> <p>21 role.</p> <p>22 Q Does that training period include</p> <p>23 religious training?</p> <p>24 A I don't know the details of the training.</p> <p>25 Q Ms. Freiberg, in January of 2021, did a</p>	<p style="text-align: right;">Page 32</p> <p>1 M. Freiberg</p> <p>2 ministering to others through life, deed, word, and</p> <p>3 sign," that would be how I would describe it to be an</p> <p>4 elegies to ministry.</p> <p>5 Q So is your answer yes --</p> <p>6 A Yeah.</p> <p>7 Q -- that a person -- a customer service</p> <p>8 representative employed by World Vision Incorporated</p> <p>9 in January of 2021 had functions similar to those of</p> <p>10 a minister?</p> <p>11 MR. WARD: I'll renew the same</p> <p>12 objections.</p> <p>13 Subject to that, you may answer.</p> <p>14 A I would say yes, that there are</p> <p>15 similarities in that way.</p> <p>16 Q Was it a requirement of the job of</p> <p>17 customer service representative for World Vision</p> <p>18 Incorporated in January of 2021 to proclaim the</p> <p>19 gospel of Jesus Christ?</p> <p>20 A Yes.</p> <p>21 Q Was it a mandatory duty of a person in</p> <p>22 the position of customer service representative for</p> <p>23 World Vision Incorporated in January of 2021 to</p> <p>24 administer the sacraments?</p> <p>25 MR. WARD: I'm going to object as vague</p>
<p style="text-align: right;">Page 31</p> <p>1 M. Freiberg</p> <p>2 person employed in the position of customer service</p> <p>3 representative for World Vision Incorporated have</p> <p>4 functions similar to those of a minister?</p> <p>5 MR. WARD: I'm going to object to the</p> <p>6 question as vague and ambiguous, as assuming</p> <p>7 facts not in evidence, and to the extent it</p> <p>8 calls for a legal conclusion or opinion.</p> <p>9 Subject to that, you may answer.</p> <p>10 A Well, again, I would say that this</p> <p>11 position in how it's described --</p> <p>12 If -- if you could scroll up a little</p> <p>13 bit, Teri.</p> <p>14 THE REPORTER: (Complying)</p> <p>15 A Sorry. So number 1 that says, "Keep</p> <p>16 Christ central in our individual and corporate</p> <p>17 lives." So I guess I'd just call that out as similar</p> <p>18 to what you might experience in a church.</p> <p>19 And, also, if you could scroll up a</p> <p>20 little bit more, Teri.</p> <p>21 THE REPORTER: (Complying)</p> <p>22 A The -- the kind of last sentence that</p> <p>23 says, "Help carry out our Christian organization's</p> <p>24 mission, vision, and strategies. Personify the</p> <p>25 mission of World Vision by witnessing to Christ and</p>	<p style="text-align: right;">Page 33</p> <p>1 M. Freiberg</p> <p>2 and ambiguous, and including lack of</p> <p>3 foundation.</p> <p>4 Other than that, you may answer.</p> <p>5 A Can you define that term?</p> <p>6 Q Sure.</p> <p>7 The word "administer," I'll define it</p> <p>8 pursuant to Merriam-Webster dictionary, "to manage or</p> <p>9 supervise the execution, use, or conduct of."</p> <p>10 With respect to the word "sacraments,"</p> <p>11 according to Merriam-Webster's dictionary, it is</p> <p>12 defined as "a Christian right, such as baptism or the</p> <p>13 Eucharist that is believed to have been ordained by</p> <p>14 Christ and that is held to be a means of defined</p> <p>15 grace or to be a sign or symbol of a spiritual</p> <p>16 reality."</p> <p>17 A They're very difficult questions to</p> <p>18 answer.</p> <p>19 What I would say is that the role of the</p> <p>20 DCS agent is to be a witness to Jesus Christ and</p> <p>21 to -- you know, I know we've just read this, but to</p> <p>22 do this through life, deed, word, and sign. So that</p> <p>23 means proclaiming who Jesus is, embracing the power</p> <p>24 of Jesus and the -- the healing nature of prayer</p> <p>25 and -- and -- and our love for the poor.</p>

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<p style="text-align: right;">Page 34</p> <p>1 M. Freiberg</p> <p>2 Q Was it an expectation that a customer</p> <p>3 service representative employed by World Vision</p> <p>4 Incorporated in January of 2021 would perform</p> <p>5 baptisms?</p> <p>6 A No.</p> <p>7 Q Was it an expectation that he or she</p> <p>8 would administer communion?</p> <p>9 A No.</p> <p>10 Q Could a customer service</p> <p>11 representative -- excuse me. Question withdrawn.</p> <p>12 Was there an expectation of -- that a</p> <p>13 customer service representative of World Vision</p> <p>14 Incorporated could marry people in the Christian</p> <p>15 faith?</p> <p>16 MR. WARD: Object as -- object as vague</p> <p>17 and ambiguous.</p> <p>18 You may answer.</p> <p>19 A No.</p> <p>20 Q In January of 2021, was -- was -- is it</p> <p>21 expected of a person employed in the position of</p> <p>22 customer service representative for World Vision</p> <p>23 Incorporated to perform religious duties for the</p> <p>24 purpose of religious education or instruction?</p> <p>25 MR. WARD: I'll object as vague and</p>	<p style="text-align: right;">Page 36</p> <p>1 M. Freiberg</p> <p>2 pay scale relative to other positions at World</p> <p>3 Vision, but it is a very essential function -- a very</p> <p>4 essential role at World Vision because it is the</p> <p>5 voice of World Vision to the donors. And I --</p> <p>6 Q When did you -- I'm sorry --</p> <p>7 A I was just --</p> <p>8 Q -- go ahead.</p> <p>9 A I was just -- add one more piece to that,</p> <p>10 which is that, you know, the training program is</p> <p>11 9-to-11-weeks long, which is a very long period of</p> <p>12 time for a position. And so, you know, I just -- I</p> <p>13 add that just in terms of the depth, I think, that is</p> <p>14 required for people to be able to perform that role.</p> <p>15 Q Anything else, Ms. Freiberg?</p> <p>16 A No. Thank you.</p> <p>17 Q When did you first learn about Aubry</p> <p>18 McMahon applying to work for World Vision</p> <p>19 Incorporated?</p> <p>20 A I learned about her application on</p> <p>21 January 5th.</p> <p>22 Q At some point, did you learn that an</p> <p>23 offer of employment had been extended to Aubry</p> <p>24 McMahon to work for World Vision Incorporated in the</p> <p>25 position of customer service representative?</p>
<p style="text-align: right;">Page 35</p> <p>1 M. Freiberg</p> <p>2 ambiguous, and to the extent it calls for a</p> <p>3 legal conclusion.</p> <p>4 Subject to that, you may answer.</p> <p>5 A Can you repeat the substantive part of</p> <p>6 the question, the expectation -- just can you</p> <p>7 complete that last part of the sentence, please?</p> <p>8 MR. WOLNOWSKI: Ms. Ratigan, could you</p> <p>9 read the question back when you have a moment?</p> <p>10 (WHEREUPON, the previous question was</p> <p>11 read by the court reporter.)</p> <p>12 MR. WARD: Renew the same objections.</p> <p>13 A So there was not -- there's not a</p> <p>14 requirement, but there is an encouragement to</p> <p>15 participate in leading devotions and -- and chapel --</p> <p>16 and participating in chapel. So that can include</p> <p>17 being educated, but also in serving to educate others</p> <p>18 through sharing of the word and prayer and -- and</p> <p>19 religious function in that per- -- in that sense.</p> <p>20 Q Would you characterize the position of</p> <p>21 customer service representative as a relatively</p> <p>22 low-level position in terms of World Vision's</p> <p>23 employment hierarchy in January of 2021?</p> <p>24 A I would describe it as a position that</p> <p>25 has -- like it has -- you know, it is lower on the</p>	<p style="text-align: right;">Page 37</p> <p>1 M. Freiberg</p> <p>2 A No, I did not know of that fact.</p> <p>3 Q Ms. Freiberg, I'd like to show you what</p> <p>4 will be marked as Plaintiff's Exhibit Number 2. It</p> <p>5 is a document which bears Bates-stamp numbers WV 78</p> <p>6 through 79.</p> <p>7 (WHEREUPON, the above-referred-to</p> <p>8 document, Bates-stamped WV-000078 through</p> <p>9 WV-000079, was marked as Plaintiff's</p> <p>10 Exhibit 2, for identification, as of this</p> <p>11 date, displayed by the court reporter, and the</p> <p>12 witness was given the opportunity to review</p> <p>13 the entirety of the document.)</p> <p>14 (Time noted: 3:05 p.m.)</p> <p>15 Q Ms. Freiberg, have you had a chance to</p> <p>16 review this document that I've provided to you and</p> <p>17 which has been marked as Plaintiff's Exhibit</p> <p>18 Number 2?</p> <p>19 A Yes.</p> <p>20 Q Do you recognize this document?</p> <p>21 A I do.</p> <p>22 Q Have you ever seen it before?</p> <p>23 A Yes.</p> <p>24 Q What is this document?</p> <p>25 A This is an offer letter.</p>

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<p style="text-align: right;">Page 38</p> <p>1 M. Freiberg</p> <p>2 Q If you could please explain to me, what</p> <p>3 is this offer letter meant to communicate?</p> <p>4 A It is meant to confirm our offer of</p> <p>5 employment and the associated details surrounding the</p> <p>6 job, the pay, the start date, and a few other details</p> <p>7 that are expectations and requirements for working at</p> <p>8 World Vision.</p> <p>9 Q It appears as though this letter was --</p> <p>10 question withdrawn.</p> <p>11 At the bottom of the first page, it</p> <p>12 appears as though the author or the sender of this</p> <p>13 letter is a woman by the name of Catherine Miolla;</p> <p>14 would you agree, Ms. Freiberg?</p> <p>15 A Yes, Catherine Miolla is -- was the</p> <p>16 author of this letter.</p> <p>17 Q If you could, please explain to me as of</p> <p>18 January 5th, 2021 what role Catherine Miolla had with</p> <p>19 World Vision Incorporated.</p> <p>20 A Catherine's position is a talent</p> <p>21 acquisition partner, which is another word for</p> <p>22 recruiter. So she was a recruiter assigned to this</p> <p>23 class of the DCS trainees that were hired in that</p> <p>24 time period.</p> <p>25 Q Was she part of the talent acquisition</p>	<p style="text-align: right;">Page 40</p> <p>1 M. Freiberg</p> <p>2 document that was exchanged during the discovery</p> <p>3 phase of this case's litigation.</p> <p>4 If you could, Ms. Freiberg, please take a</p> <p>5 minute to review it and let me know once you've</p> <p>6 completed doing so.</p> <p>7 (WHEREUPON, the above-referred-to</p> <p>8 document, Bates-stamped WV-000080 was marked</p> <p>9 as Plaintiff's Exhibit 3, for identification,</p> <p>10 as of this date, and displayed by the court</p> <p>11 reporter.)</p> <p>12 THE WITNESS: I've read it.</p> <p>13 Q Okay. Ms. Freiberg, do you recognize</p> <p>14 this document?</p> <p>15 A I do.</p> <p>16 Q Have you ever seen it before?</p> <p>17 A I have.</p> <p>18 Q When is it that you first saw it, from</p> <p>19 your recollection?</p> <p>20 A On January 5th.</p> <p>21 Q Now, Ms. Freiberg, Plaintiff's Exhibit 3</p> <p>22 is a document which shows an e-mail from Aubry</p> <p>23 McMahon to Catherine Miolla on Tuesday, January 5th,</p> <p>24 2021 at 11:56 p.m. The subject states, "Quick</p> <p>25 Question," and the body of the e-mail reads -- and</p>
<p style="text-align: right;">Page 39</p> <p>1 M. Freiberg</p> <p>2 team that you oversaw in January of 2021?</p> <p>3 A Yes.</p> <p>4 Q Was she your subordinate in January of</p> <p>5 2021?</p> <p>6 A Yes.</p> <p>7 Q Were you her supervisor?</p> <p>8 A Yes.</p> <p>9 Q Did you have the power to terminate her</p> <p>10 employment if you had wished in January of 2021?</p> <p>11 A Within limits, but yes, I have hire/fire</p> <p>12 responsibility in my role.</p> <p>13 Q To your knowledge and recollection,</p> <p>14 Ms. Freiberg, is it correct that an official offer of</p> <p>15 employment had been made to Aubry McMahon to work for</p> <p>16 World Vision Incorporated as of January 5th, 2021 at</p> <p>17 the latest?</p> <p>18 A Yes, I agree with that.</p> <p>19 Q Would you agree that this letter</p> <p>20 constitutes an offer of employment for World Vision</p> <p>21 Incorporated?</p> <p>22 A Yes, it is an offer of employment.</p> <p>23 Q I will show you what will be marked as</p> <p>24 Plaintiff's Exhibit Number 3. It's a document that</p> <p>25 is Bate-stamped WV 80, and represent that it is a</p>	<p style="text-align: right;">Page 41</p> <p>1 M. Freiberg</p> <p>2 I'm going to read this into the transcript.</p> <p>3 "Hey there, I just have a quick question.</p> <p>4 My wife and I are expecting our first baby in March</p> <p>5 and I wanted to see if I would qualify for any time</p> <p>6 off for this since I'll be a new employee? I will be</p> <p>7 the one having the baby, so I just wanted to check to</p> <p>8 see if any time would be allowed off. If not, no</p> <p>9 worries. Thanks so much. Aubry."</p> <p>10 First and foremost, would you agree that</p> <p>11 this is an e-mail sent from Aubry McMahon to</p> <p>12 Catherine Miolla on January 5th, 2021?</p> <p>13 A Yes, I agree with that.</p> <p>14 Q Please explain to me, to the extent that</p> <p>15 you know, the duties and responsibilities of a talent</p> <p>16 acquisition professional as that job existed with</p> <p>17 World Vision Incorporated in January of 2021.</p> <p>18 A The role of the talent acquisition</p> <p>19 partner in 2021 would be to work with hiring managers</p> <p>20 on open positions to post, they would work through</p> <p>21 the posting process, they would source applicants as</p> <p>22 needed, they would screen candidates and/or</p> <p>23 candidates that would move to hiring manager</p> <p>24 interviews, they would present those candidates and</p> <p>25 help facilitate and coordinate interviews and present</p>

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<p style="text-align: right;">Page 42</p> <p>1 M. Freiberg</p> <p>2 offers and salaries to these prospective employees</p> <p>3 to -- to these -- to the successful candidates.</p> <p>4 Q Would you agree that in this e-mail, it</p> <p>5 could be reasonably discerned that Aubry McMahon was</p> <p>6 in a same-sex marriage with a woman?</p> <p>7 A It was a question that we sought to</p> <p>8 understand.</p> <p>9 Q So is your testimony here today that it</p> <p>10 was not -- it could not be reasonably discerned?</p> <p>11 A We sought to clarify whether that was</p> <p>12 true.</p> <p>13 Q When you first read this e-mail, was it</p> <p>14 your first inclination to understand what Ms. McMahon</p> <p>15 wrote as her being in a same-sex marriage with a</p> <p>16 woman, given that Aubry was a woman and mentions in</p> <p>17 this e-mail that she has a wife?</p> <p>18 MR. WARD: I'm going to object as to form</p> <p>19 and as vague and ambiguous, compound and</p> <p>20 complex.</p> <p>21 You may answer.</p> <p>22 A Our first inclination was to seek</p> <p>23 understanding, because in the phone screen that</p> <p>24 Ms. Miolla conducted with Ms. McMahon, she responded</p> <p>25 in a way that was contrary to this e-mail, so we</p>	<p style="text-align: right;">Page 44</p> <p>1 M. Freiberg</p> <p>2 that could be the case.</p> <p>3 Q What likelihood would you -- if you</p> <p>4 recall, did you think that she was married in a</p> <p>5 same-sex marriage with a woman; would you say greater</p> <p>6 than 50 percent, less than 50 percent, something</p> <p>7 else?</p> <p>8 MR. WARD: Objection as to form and to</p> <p>9 the extent it calls for speculation.</p> <p>10 You may answer.</p> <p>11 A I'm not sure what percentage I would</p> <p>12 allocate to it, but I -- we wanted to know whether</p> <p>13 this was what she intended to express.</p> <p>14 Q So when I ask a question about what you</p> <p>15 thought, I would ask that you kindly limit your</p> <p>16 response to what you thought, not "we," as in kind of</p> <p>17 what a group was trying to do or was thinking. I'm</p> <p>18 asking you about your thoughts or opinions or views.</p> <p>19 A Okay. I wanted to know whether she</p> <p>20 intended to write her wife or if that was an error.</p> <p>21 Q Did you ever find out whether or not she</p> <p>22 indeed was in a same-sex marriage?</p> <p>23 A I did.</p> <p>24 Q And when did you find out?</p> <p>25 A On January 8th.</p>
<p style="text-align: right;">Page 43</p> <p>1 M. Freiberg</p> <p>2 wanted to seek to understand whether this e-mail was</p> <p>3 correct.</p> <p>4 Q But did you -- when reading this e-mail</p> <p>5 for the first time, when you read it, did you believe</p> <p>6 that there was a likelihood that Aubry was in a</p> <p>7 same-sex marriage with a woman?</p> <p>8 A We sought to clarify that was true. On</p> <p>9 face value, that's what that would say.</p> <p>10 Q I'm not asking what it would say to</p> <p>11 somebody. I'm asking what it said to you.</p> <p>12 Is that how you read it?</p> <p>13 MR. WARD: Object as to form.</p> <p>14 You may answer.</p> <p>15 A I think what I'm trying to say is that</p> <p>16 this e-mail shows disconfirming information to the</p> <p>17 phone screen that we collected, so we wanted to reach</p> <p>18 her to understand what -- what was this telling us.</p> <p>19 Q Okay. I'm not sure that answers the</p> <p>20 question, but let me try to answer in a different</p> <p>21 way -- let me try to ask it a different way.</p> <p>22 When you first read this e-mail, did you,</p> <p>23 Ms. Freiberg, think that Aubry McMahon was in a</p> <p>24 same-sex marriage with a woman?</p> <p>25 A I thought that based off of this e-mail,</p>	<p style="text-align: right;">Page 45</p> <p>1 M. Freiberg</p> <p>2 Q And how is it you found out on</p> <p>3 January the 8th?</p> <p>4 A Well, after we received -- after this</p> <p>5 e-mail was received, Catherine sought to speak with</p> <p>6 her multiple times. And finally, on January 8th,</p> <p>7 Catherine and I spoke with Ms. McMahon, and she</p> <p>8 confirmed that she was in a same-sex marriage.</p> <p>9 Q Ms. Freiberg, when you first read this</p> <p>10 e-mail that is marked as Plaintiff's Exhibit</p> <p>11 Number 3, did you discern that Aubry McMahon was</p> <p>12 somebody who was LGBTQ? And I will define LGBTQ as</p> <p>13 an acronym for lesbian, gay, bisexual, transgender,</p> <p>14 or queer, slash, questioning.</p> <p>15 MR. WARD: So I'm going to object to form</p> <p>16 and as vague and ambiguous.</p> <p>17 But you may answer.</p> <p>18 A I was not looking to determine -- I was</p> <p>19 not looking to determine whether she identified as</p> <p>20 LGBTQ. I was looking to confirm whether she could</p> <p>21 comply with our standards of conduct.</p> <p>22 Q Ms. Freiberg, when you first read this</p> <p>23 e-mail which is marked as Plaintiff's Exhibit</p> <p>24 Number 3, did you believe after having first read it</p> <p>25 that Aubry may have been LGBTQ?</p>

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<p style="text-align: right;">Page 46</p> <p>1 M. Freiberg</p> <p>2 MR. WARD: I'm going to object as to</p> <p>3 form; vague and ambiguous to the extent --</p> <p>4 Otherwise, you can answer.</p> <p>5 A I -- I agree with the statement "may,"</p> <p>6 because that was -- the intent was to clarify whether</p> <p>7 this was true or this was not true.</p> <p>8 Q So in reading this e-mail for the first</p> <p>9 time, you believed that there was a possibility that</p> <p>10 Aubry McMahon was LGBTQ; is that correct?</p> <p>11 A I did not say that. I -- I -- what I</p> <p>12 said was that I knew that she had responded in a way</p> <p>13 that complied with our standards of conduct. And</p> <p>14 that if she was in a same-sex marriage, she would not</p> <p>15 be able to comply with our stan- -- with our</p> <p>16 standards of conduct. And I sought to confirm</p> <p>17 whether that was true or not.</p> <p>18 Q So in reading this e-mail for the first</p> <p>19 time, did you formulate a belief as to whether or not</p> <p>20 Aubry McMahon may or may not be LGBTQ?</p> <p>21 A I did not.</p> <p>22 Q So if I'm understanding this, when you</p> <p>23 read this e-mail and a woman wrote that she had a</p> <p>24 wife, it didn't connect to you that this person may</p> <p>25 be LGBTQ?</p>	<p style="text-align: right;">Page 48</p> <p>1 M. Freiberg</p> <p>2 Oh, and argumentative also.</p> <p>3 A I would say that what I was -- what --</p> <p>4 what I considered was a possibility was that she was</p> <p>5 not going to be able to comply with our standards of</p> <p>6 conduct.</p> <p>7 Q But when you -- in reading this for the</p> <p>8 first time, did you ever formulate a belief as to</p> <p>9 whether or not Aubry McMahon was LGBTQ?</p> <p>10 MR. WARD: I'm going to object as asked</p> <p>11 and answered and vague and ambiguous.</p> <p>12 You may answer.</p> <p>13 A Well, I have to restate my answer, which</p> <p>14 is that I was -- I -- I formed the belief that she</p> <p>15 may not be able to comply with our standards of</p> <p>16 conduct, and so I -- I was seeking to speak with her</p> <p>17 about that.</p> <p>18 Q Again, I'm not sure that answers the</p> <p>19 question.</p> <p>20 MR. WOLNOWSKI: Could you please read</p> <p>21 back the question, Ms. Ratner?</p> <p>22 (WHEREUPON, the previous question was</p> <p>23 read by the court reporter.)</p> <p>24 A I did not form that belief because I was</p> <p>25 not seeking to understand that. What I was seeking</p>
<p style="text-align: right;">Page 47</p> <p>1 M. Freiberg</p> <p>2 MR. WARD: I'm going to object to form;</p> <p>3 vague and ambiguous and argumentative.</p> <p>4 You may answer.</p> <p>5 A Well, Mr. Wolnowski, what we were seeking</p> <p>6 to do was dis- -- it -- it was to seek to understand</p> <p>7 to determine whether this was as it appeared as it</p> <p>8 was written or whether there was an error.</p> <p>9 Q I'm not sure that answers the question.</p> <p>10 MR. WOLNOWSKI: Could you please read the</p> <p>11 question back, Ms. Ratner (sic)?</p> <p>12 MR. WARD: Counsel, can you let the</p> <p>13 witness finish her answer?</p> <p>14 Q Were you done with your answer,</p> <p>15 Ms. Freiberg?</p> <p>16 A No, I just have a little bit more to add</p> <p>17 to that, which is that I did not want to conclude</p> <p>18 until I had the opportunity to speak with her.</p> <p>19 Q But nevertheless, when you first read</p> <p>20 this e-mail, you thought that there was a possibility</p> <p>21 that Aubry might be LGBTQ; is that a fair statement?</p> <p>22 MR. WARD: I'm going to object to the</p> <p>23 extent it mischaracterizes or misstates</p> <p>24 testimony.</p> <p>25 You may answer.</p>	<p style="text-align: right;">Page 49</p> <p>1 M. Freiberg</p> <p>2 to understand was her conduct and whether --</p> <p>3 Q At any point -- I'm sorry to cut you off.</p> <p>4 Anything else?</p> <p>5 A And just -- and whether she was able to</p> <p>6 comply with our standards of conduct.</p> <p>7 Q At any point after the time that you</p> <p>8 first read this e-mail, did you formulate a belief as</p> <p>9 to whether or not Aubry McMahon was LGBTQ?</p> <p>10 MR. WARD: I'm going to object to form as</p> <p>11 vague and ambiguous.</p> <p>12 You may answer.</p> <p>13 A I was able to confirm that she would --</p> <p>14 was not able to comply with our standards of conduct</p> <p>15 because of her same-sex marriage on January 8th after</p> <p>16 speaking with her.</p> <p>17 Q I'm not asking about her conformance of</p> <p>18 standards of conduct.</p> <p>19 My question is about when you formed a</p> <p>20 belief as to whether or not she was LGBTQ.</p> <p>21 MR. WOLNOWSKI: If you could, Ms. Ratner,</p> <p>22 please read back the question.</p> <p>23 (WHEREUPON, the previous question was</p> <p>24 read by the court reporter.)</p> <p>25 MR. WARD: I renew the same objections</p>

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<p style="text-align: right;">Page 50</p> <p>1 M. Freiberg</p> <p>2 and add argumentative.</p> <p>3 You may answer.</p> <p>4 A Okay. So, Mr. Wolnowski, the -- I --</p> <p>5 I -- whether she was LGBTQ or not was not relevant or</p> <p>6 material to World Vision. We were -- I was seeking</p> <p>7 to confirm her conduct. So that is why I cannot</p> <p>8 answer that I had a belief that she was LGBTQ,</p> <p>9 because that -- that was not what I was seeking to</p> <p>10 understand.</p> <p>11 MR. WARD: Counsel, we're now at a point</p> <p>12 where we're about 15 or 20 minutes beyond the</p> <p>13 five or ten minutes I asked for, so I will</p> <p>14 need a break at this point.</p> <p>15 MR. WOLNOWSKI: Okay. So let's go off</p> <p>16 the record, and we will continue in a moment.</p> <p>17 MR. WARD: Thank you.</p> <p>18 (WHEREUPON, a brief recess was taken,</p> <p>19 after which the following transpired:)</p> <p>20 (Time noted: 3:51 p.m.)</p> <p>21 CONTINUED EXAMINATION BY MR. WOLNOWSKI:</p> <p>22 Q Ms. Freiberg, was there any point that</p> <p>23 you either formed a belief or came to learn that</p> <p>24 Aubry McMahon is LGBTQ?</p> <p>25 MR. WARD: Object as to form.</p>	<p style="text-align: right;">Page 52</p> <p>1 M. Freiberg</p> <p>2 Some of those e-mail communications were</p> <p>3 either from or included legal counsel, whereas other</p> <p>4 didn't; isn't that correct?</p> <p>5 A That is correct.</p> <p>6 Q So as it relates to the communications</p> <p>7 that did not include or involve legal counsel, please</p> <p>8 tell me the general nature of those communications to</p> <p>9 the extent that you can remember.</p> <p>10 A I received communication from Catherine</p> <p>11 Miolla that she had received the e-mail from Aubry</p> <p>12 McMahon.</p> <p>13 Q Anything else?</p> <p>14 A Catherine Miolla shared with me the</p> <p>15 e-mail that was sent by Aubry McMahon, and she also</p> <p>16 shared the phone screen interview that she had</p> <p>17 conducted with Ms. McMahon.</p> <p>18 Q Anything else?</p> <p>19 A Not that I'm recalling off the top of my</p> <p>20 head.</p> <p>21 Q I will show you what will be marked as</p> <p>22 Plaintiff's Exhibit Number 4. It's a document that</p> <p>23 is Bates-stamped WV 231 to 232. It has been supplied</p> <p>24 during the discovery phase of this case.</p> <p>25 If you have a moment, please review and</p>
<p style="text-align: right;">Page 51</p> <p>1 M. Freiberg</p> <p>2 You may answer.</p> <p>3 A On January 8th when I spoke with her and</p> <p>4 she confirmed that she was in a same-sex marriage.</p> <p>5 Q So is it fair to say that at no point</p> <p>6 before that had you either formed a belief or came to</p> <p>7 learn that Aubry McMahon was LGBTQ?</p> <p>8 MR. WARD: Objection to form.</p> <p>9 A I would say I didn't form a belief</p> <p>10 because that's not what I was seeking to determine.</p> <p>11 Q So the answer is no, you had not formed a</p> <p>12 belief or came to learn prior to January the 8th?</p> <p>13 A I agree with that.</p> <p>14 Q Now, Ms. Freiberg, you received a number</p> <p>15 of e-mails between January 5th, 2021 and January 8th,</p> <p>16 2021 with respect to Aubry McMahon; isn't that</p> <p>17 correct?</p> <p>18 A Could you show those to me?</p> <p>19 Q Well, I'll -- I'll show you some of them,</p> <p>20 but I just generally want to know if between those</p> <p>21 few days, if you received a number of e-mails with</p> <p>22 respect to Aubry McMahon.</p> <p>23 A I did receive some e-mails, but I'm not</p> <p>24 sure of the number of them.</p> <p>25 Q Understood.</p>	<p style="text-align: right;">Page 53</p> <p>1 M. Freiberg</p> <p>2 let me know once you have concluded reviewing it.</p> <p>3 (WHEREUPON, the above-referred-to</p> <p>4 document, Bates-stamped WV-000231 through</p> <p>5 WV-000232, was marked as Plaintiff's</p> <p>6 Exhibit 4, for identification, as of this</p> <p>7 date, displayed by the court reporter, and the</p> <p>8 witness was given the opportunity to review</p> <p>9 the entirety of the document.)</p> <p>10 (Time noted: 3:57 p.m.)</p> <p>11 Q Did you have chance to review this</p> <p>12 document?</p> <p>13 A I did.</p> <p>14 Q Do you recognize this document?</p> <p>15 A I do.</p> <p>16 Q Have you ever seen it before?</p> <p>17 A I -- well, yes. It's the --</p> <p>18 Q Now, I can represent to you that some of</p> <p>19 these e-mails under this e-mail chain which begins on</p> <p>20 January the 5th are not entirely complete, but from</p> <p>21 what is there, I have some questions for you; okay,</p> <p>22 Ms. Freiberg?</p> <p>23 A Okay.</p> <p>24 MR. WOLNOWSKI: First and foremost, I</p> <p>25 will call for production for the full e-mail</p>

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<p style="text-align: right;">Page 54</p> <p>1 M. Freiberg</p> <p>2 chain of this. I will put it in writing and</p> <p>3 interpose that upon counsel shortly after the</p> <p>4 deposition.</p> <p>5 Q Now, Ms. Freiberg, I see that certain</p> <p>6 e-mails were exchanged between you and Catherine</p> <p>7 Miolla on January 5th, 2021 regarding Aubry McMahon.</p> <p>8 Did you and Catherine Miolla have any</p> <p>9 other communications on January 5th, 2021 relating to</p> <p>10 Aubry McMahon whether it be by telephone, Zoom,</p> <p>11 electronic messaging, in person, or otherwise?</p> <p>12 A We did have communication before this one</p> <p>13 where Catherine Miolla shared with me the e-mail that</p> <p>14 she had received from Ms. McMahon.</p> <p>15 Q Did you and Catherine Miolla have any</p> <p>16 non-e-mail communications on January 5th of 2021</p> <p>17 relating to Aubry McMahon?</p> <p>18 A Yes. My recollection is that we spoke on</p> <p>19 a Teams call where Catherine shared with me that she</p> <p>20 had reviewed an e-mail from Ms. McMahon.</p> <p>21 Q So first and foremost, Ms. Freiberg, you</p> <p>22 said the word "we" in that last response.</p> <p>23 Who was "we"?</p> <p>24 A We, as in World Vision, had received an</p> <p>25 e-mail.</p>	<p style="text-align: right;">Page 56</p> <p>1 M. Freiberg</p> <p>2 somewhere between five and ten minutes?</p> <p>3 A To the best of my knowledge.</p> <p>4 Q Please tell me everything you can</p> <p>5 remember about that conversation.</p> <p>6 A Well, Catherine shared with me that she'd</p> <p>7 received the e-mail from Ms. McMahon, and that she</p> <p>8 had -- I -- I -- I'm not sure I can remember all of</p> <p>9 the details, but that she essentially showed me the</p> <p>10 e-mail that Ms. McMahon had sent. And my</p> <p>11 recollection is that I asked her about her phone</p> <p>12 screen that she had had with Ms. McMahon, because the</p> <p>13 information in her e-mail was contrary to her</p> <p>14 responses in the phone screen.</p> <p>15 Q Did the e-mails that I've showed you at</p> <p>16 Plaintiff's Exhibit 4, were they exchanged before or</p> <p>17 after this phone call with Catherine Miolla?</p> <p>18 A Are you referring to the e-mail that</p> <p>19 includes -- that is the January 5th e-mail from</p> <p>20 Ms. McMahon?</p> <p>21 Q No. I'm referring to the January 5th,</p> <p>22 2021 e-mail at 3:07 from you to Catherine Miolla that</p> <p>23 is in Plaintiff's Exhibit Number 4.</p> <p>24 A That occurred after when --</p> <p>25 Q When you say -- I'm sorry.</p>
<p style="text-align: right;">Page 55</p> <p>1 M. Freiberg</p> <p>2 Q I believe that you said, "We spoke on a</p> <p>3 Teams call."</p> <p>4 I'm asking who --</p> <p>5 A Oh, I --</p> <p>6 Q -- all the people who were present on</p> <p>7 that Teams call, to the extent you know and can</p> <p>8 remember.</p> <p>9 A Okay. My apologies. I misunderstand</p> <p>10 you.</p> <p>11 Catherine called me -- Catherine called</p> <p>12 me on Teams regarding the e-mail that she had</p> <p>13 received from Ms. McMahon.</p> <p>14 Q Was anybody else on that call?</p> <p>15 A No.</p> <p>16 Q How long did that call last?</p> <p>17 A I don't remember for certain, but not</p> <p>18 very long. Maybe --</p> <p>19 Q When you say -- I'm sorry, I'll -- I'll</p> <p>20 let you finish. My apologies.</p> <p>21 A You know, some number of minutes; five to</p> <p>22 ten minutes.</p> <p>23 Q So as you testified today, Catherine</p> <p>24 Miolla called you on January 5th, 2021 to speak about</p> <p>25 Aubry McMahon and that that phone call lasted</p>	<p style="text-align: right;">Page 57</p> <p>1 M. Freiberg</p> <p>2 A Yeah, I'll just -- sorry, I will finish</p> <p>3 the sentence. I realize I'm pausing, and it may feel</p> <p>4 like my sentence is finished, but this e-mail on</p> <p>5 January 5th at 3:07, as it's dated here, occurred</p> <p>6 after Ms. Miolla and I spoke where she shared that</p> <p>7 she had received an e-mail from Ms. McMahon.</p> <p>8 Q During your phone call with Ms. Miolla on</p> <p>9 January 5th, which you stated lasted somewhere</p> <p>10 between five and ten minutes, was the topic of Aubry</p> <p>11 McMahon possibly being in a same-sex marriage</p> <p>12 discussed?</p> <p>13 A It was specifically about the e-mail and</p> <p>14 how the e-mail was not consistent with the phone</p> <p>15 screen that was conducted.</p> <p>16 Q My question is a little more specific,</p> <p>17 and it regards whether or not the topic of</p> <p>18 Ms. McMahon being in a same-sex marriage was</p> <p>19 discussed on that phone call.</p> <p>20 A I don't recall that level of specificity.</p> <p>21 Q During that phone call, was it discussed</p> <p>22 between you and Ms. Miolla that Ms. McMahon may be</p> <p>23 LGBTQ?</p> <p>24 A Not to my recollection.</p> <p>25 Q This e-mail chain which I've showed you,</p>

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<p style="text-align: right;">Page 58</p> <p>1 M. Freiberg</p> <p>2 which is part of Plaintiff's Exhibit Number 4,</p> <p>3 suggests that you wanted to speak with Ms. McMahon on</p> <p>4 the telephone; is that correct?</p> <p>5 A That is correct.</p> <p>6 Q If you could, please explain to me why</p> <p>7 you wanted to talk to her on the telephone.</p> <p>8 A It's as I stated before, we wanted to</p> <p>9 speak with her to ask her about her e-mail and</p> <p>10 whether she intended to reference her wife, and</p> <p>11 whether she understood that she had responded</p> <p>12 differently when we asked her if she could comply</p> <p>13 with our standards of conduct.</p> <p>14 Q From your recollection and if you know,</p> <p>15 did these e-mail communications, which I've showed</p> <p>16 you at Plaintiff's Exhibit 4, take place after an</p> <p>17 offer of employment was extended to Aubry McMahon, or</p> <p>18 before?</p> <p>19 A They were after the offer was extended.</p> <p>20 Q Ms. Freiberg, I'd like to show you what</p> <p>21 would be marked Plaintiff's Exhibit Number 5. It is</p> <p>22 a document which is Bate-stamped WV 2858, and it is a</p> <p>23 document which was exchanged in the discovery phase</p> <p>24 of the litigation.</p> <p>25 If you could, Ms. Freiberg, please review</p>	<p style="text-align: right;">Page 60</p> <p>1 M. Freiberg</p> <p>2 phone screen document?</p> <p>3 A I am not sure if she is doing that at my</p> <p>4 request. I think it's very possible that she is</p> <p>5 doing that at my request.</p> <p>6 Q In this e-mail, Catherine Miolla wrote,</p> <p>7 "Hi Melanie, Aubry's phone interview is attached.</p> <p>8 The standards of conduct section with her responses</p> <p>9 is the last section. Let me know if you need</p> <p>10 anything else."</p> <p>11 Do you know why Catherine Miolla</p> <p>12 specifically referenced the standards of conduct</p> <p>13 section in this e-mail?</p> <p>14 A Yes.</p> <p>15 Q Please tell me why.</p> <p>16 A Because the e-mail that Ms. McMahon sent</p> <p>17 was contrary to her responses in the standards of</p> <p>18 conduct section of the phone screen.</p> <p>19 Q How so?</p> <p>20 A In the phone screen, Ms. McMahon was --</p> <p>21 she was -- the -- our standards of conduct were</p> <p>22 explained to her. Examples of behavior or conduct</p> <p>23 that don't correspond with our standards of conduct</p> <p>24 were described, and she was asked the question</p> <p>25 whether she could comply with those standards, and</p>
<p style="text-align: right;">Page 59</p> <p>1 M. Freiberg</p> <p>2 and let me know once you've concluded doing so.</p> <p>3 (WHEREUPON, the above-referred-to</p> <p>4 document, Bates-stamped WV-002858, was marked</p> <p>5 as Plaintiff's Exhibit 5, for identification,</p> <p>6 as of this date, and displayed by the court</p> <p>7 reporter.)</p> <p>8 Q Ms. Freiberg, have you concluded</p> <p>9 reviewing this document?</p> <p>10 A Is it just this one page?</p> <p>11 Q Yes.</p> <p>12 A Yes.</p> <p>13 Q Ms. Freiberg, do you recognize this</p> <p>14 document?</p> <p>15 A Yes.</p> <p>16 Q Have you ever seen it before?</p> <p>17 A Yes.</p> <p>18 Q Can you please tell me what it is?</p> <p>19 A It is an e-mail from Catherine Miolla to</p> <p>20 myself attaching her phone interview.</p> <p>21 Q From your recollection, why did Catherine</p> <p>22 Miolla e-mail you a copy of Aubry's phone interview?</p> <p>23 A Because I wanted to use -- to use that in</p> <p>24 the discussion with Ms. McMahon.</p> <p>25 Q Did you ask Ms. Miolla to send you the</p>	<p style="text-align: right;">Page 61</p> <p>1 M. Freiberg</p> <p>2 her response was, "Yes, I can abide."</p> <p>3 Q Now, in terms of compliance with</p> <p>4 standards of conduct, does that mean belief in that</p> <p>5 standard of conduct, or does that mean conducting</p> <p>6 oneself in accordance with the standard of conduct?</p> <p>7 A It means conducting oneself.</p> <p>8 MR. WARD: I was just going to object to</p> <p>9 form.</p> <p>10 THE WITNESS: Okay.</p> <p>11 MR. WARD: It's fine.</p> <p>12 THE WITNESS: Okay. Sorry.</p> <p>13 MR. WARD: No worries.</p> <p>14 Q So is it fair to say that if an</p> <p>15 individual believed that it was okay for same-sex</p> <p>16 individuals to marry, that that would not necessarily</p> <p>17 preclude employment with World Vision Incorporated;</p> <p>18 but if one were in a same-sex marriage, then that</p> <p>19 would?</p> <p>20 MR. WARD: Objection as to form and</p> <p>21 speculation.</p> <p>22 But you may answer.</p> <p>23 A I agree with your description.</p> <p>24 Q Did you review the phone screen document</p> <p>25 that was sent from Catherine Miolla to you on</p>

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<p style="text-align: right;">Page 62</p> <p>1 M. Freiberg</p> <p>2 January 5th?</p> <p>3 A Yes, I believe so.</p> <p>4 Q Do you recall when?</p> <p>5 A No.</p> <p>6 Q Do you recall whether or not you reviewed</p> <p>7 it on January 5th?</p> <p>8 A You know, I don't have a recollection of</p> <p>9 opening the document, but I -- I -- I believe I would</p> <p>10 have.</p> <p>11 Q Well, rather than speculate, do you</p> <p>12 recall whether or not you definitely reviewed between</p> <p>13 January 5th, 2021 and January 8th, 2021?</p> <p>14 A I can definitely say yes. In fact, if I</p> <p>15 can further clarify. As I reflect, I did -- I did</p> <p>16 review it on the 5th as we were preparing to speak</p> <p>17 with her. So I needed to review the actual responses</p> <p>18 in preparation of the call with her -- with -- with</p> <p>19 Ms. McMahon.</p> <p>20 Q I would like to show you what will be</p> <p>21 marked Plaintiff's Exhibit Number 6. It is a</p> <p>22 document which is Bates-stamped WV 67 through 70. It</p> <p>23 is a document which was exchange during the discovery</p> <p>24 phase of the litigation.</p> <p>25 Please review the document and let me</p>	<p style="text-align: right;">Page 64</p> <p>1 M. Freiberg</p> <p>2 Plaintiff's Exhibit 5?</p> <p>3 A Yes.</p> <p>4 Q Is this document what you received from</p> <p>5 Catherine Miolla via e-mail on January 5th, 2021?</p> <p>6 A Yes.</p> <p>7 Q I'd like to turn your attention to the</p> <p>8 third and fourth pages, those which are Bates-stamped</p> <p>9 WV 69 and 70.</p> <p>10 MR. WOLNOWSKI: Off record.</p> <p>11 (Discussion held off the record)</p> <p>12 Q Ms. Freiberg, if you could, can you</p> <p>13 explain to me the orange sections that have questions</p> <p>14 or requests, and then the white sections underneath</p> <p>15 which appear to be some form of response?</p> <p>16 A Yes, I can confirm that the orange</p> <p>17 sections are questions, and the white sections in</p> <p>18 that box are the candidate's response.</p> <p>19 Q Now, with respect to this particular</p> <p>20 document -- now I'm not asking generally, but I'm</p> <p>21 asking with respect to this specific document -- how</p> <p>22 were the requests or questions asked of Ms. McMahon</p> <p>23 derived; in other words, do you know who wrote them?</p> <p>24 A All right. These questions are templated</p> <p>25 questions. So the -- the verbiage above and the</p>
<p style="text-align: right;">Page 63</p> <p>1 M. Freiberg</p> <p>2 know once you've completed doing so.</p> <p>3 (WHEREUPON, the above-referred-to</p> <p>4 document, Bates-stamped WV-000067 through</p> <p>5 WV-000070, was marked as Plaintiff's</p> <p>6 Exhibit 6, for identification, as of this</p> <p>7 date, displayed by the court reporter, and the</p> <p>8 witness was given the opportunity to review</p> <p>9 the entirety of the document.)</p> <p>10 (Time noted: 4:18 p.m.)</p> <p>11 Q Ms. Freiberg, have you had a chance to</p> <p>12 review the document which is Bates-stamped -- excuse</p> <p>13 me, the document which is marked as Plaintiff's</p> <p>14 Exhibit Number 6?</p> <p>15 A Yes.</p> <p>16 Q Do you recognize this document?</p> <p>17 A Yes.</p> <p>18 Q Have you ever seen it before?</p> <p>19 A Yes.</p> <p>20 Q What is it?</p> <p>21 A It is the phone screen that is used for</p> <p>22 recruiting the DSRT.</p> <p>23 Q Is the document marked Plaintiff's</p> <p>24 Exhibit Number 6 the phone interview referenced in</p> <p>25 Catherine Miolla's e-mail that I just showed you as</p>	<p style="text-align: right;">Page 65</p> <p>1 M. Freiberg</p> <p>2 verbiage below that are templated questions for every</p> <p>3 position at World Vision.</p> <p>4 Q So it's fair to say that these questions</p> <p>5 are not unique with respect to a customer service</p> <p>6 representative candidate?</p> <p>7 A Yes, that's correct.</p> <p>8 Q Ms. Freiberg, do you know who the person</p> <p>9 or persons was or were who actually asked these</p> <p>10 questions to Ms. McMahon?</p> <p>11 A Yes. Catherine Miolla was the recruiter</p> <p>12 who asked these questions of Ms. McMahon.</p> <p>13 Q Do you recall when she did that?</p> <p>14 A I do not have the date.</p> <p>15 Q In the white boxes below the orange</p> <p>16 boxes, there appear to be responses.</p> <p>17 To your knowledge and recollection, are</p> <p>18 these the responses that were given by Ms. McMahon to</p> <p>19 each of the specific requests or questions?</p> <p>20 A Yes.</p> <p>21 Q Okay. And just to be clear, does that</p> <p>22 also -- is that also the same answer with respect to</p> <p>23 the requests and answers which appear on the fourth</p> <p>24 page, which is Bates-marked WV 70?</p> <p>25 MR. WOLNOWSKI: Ms. Ratner, if you could</p>

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<p style="text-align: right;">Page 66</p> <p>1 M. Freiberg</p> <p>2 scroll up when you have a moment.</p> <p>3 THE REPORTER: (Complying)</p> <p>4 A Yes. Those are also -- the white boxes</p> <p>5 are also Ms. McMahon's --</p> <p>6 Q I'm sorry, you cut out there just for a</p> <p>7 minute. My apologies.</p> <p>8 If you could repeat your answer,</p> <p>9 Ms. Freiberg.</p> <p>10 A Yes. The -- the boxes in white are</p> <p>11 Ms. McMahon's responses.</p> <p>12 Q And just for the sake of completeness,</p> <p>13 with respect to this fourth page, the questions in</p> <p>14 the orange boxes were asked also by Ms. Miolla?</p> <p>15 A That is correct.</p> <p>16 MR. WOLNOWSKI: Ms. Ratner, could you</p> <p>17 scroll up to the third page, so that way the</p> <p>18 second half of the document is in the viewer</p> <p>19 screen?</p> <p>20 THE REPORTER: (Complying)</p> <p>21 Q Ms. Freiberg, I'd like to direct your</p> <p>22 attention to so much of this third page as it relates</p> <p>23 to section II, which has the title or the heading</p> <p>24 "Key Points in Christian Conduct Conversation."</p> <p>25 Do you see that section and the bullet</p>	<p style="text-align: right;">Page 68</p> <p>1 M. Freiberg</p> <p>2 believe are not in alignment with our standards of</p> <p>3 conduct, and therefore, unacceptable behavior for</p> <p>4 employees include:"</p> <p>5 And then there is a second -- well, there</p> <p>6 are a number of dashes, and the second one, in</p> <p>7 particular, reads, "Any sexual conduct outside of</p> <p>8 marriage; pause, WV defines marriage as between a man</p> <p>9 and a woman."</p> <p>10 Do you see that, Ms. Freiberg?</p> <p>11 A I see that.</p> <p>12 Q First and foremost, do you know why the</p> <p>13 word "pause" is located in that sentence?</p> <p>14 A It's just for clarity of communication.</p> <p>15 Q And specifically, what clarity is it</p> <p>16 intended to convey to the reader?</p> <p>17 A It's so that the full sentence can be</p> <p>18 heard and understood.</p> <p>19 Q Is it fair to say that World Vision</p> <p>20 wishes to emphasize how it views the definition of</p> <p>21 marriage to prospective candidates for employment?</p> <p>22 MR. WARD: Objection as to form.</p> <p>23 You may answer.</p> <p>24 A It is to ensure that it is clear. I --</p> <p>25 I -- I don't have any -- I -- I don't know that it</p>
<p style="text-align: right;">Page 67</p> <p>1 M. Freiberg</p> <p>2 points and the dashes which follow?</p> <p>3 A I do.</p> <p>4 Q With respect to this document, do you</p> <p>5 know if section II and the bullet points and dashes</p> <p>6 below were read to Ms. McMahon during a telephone</p> <p>7 screening or telephone interview?</p> <p>8 A Yes. It is -- it is our expectation that</p> <p>9 the recruiters read this verbatim to the candidates.</p> <p>10 So I wasn't present when Ms. Miolla spoke with</p> <p>11 Ms. McMahon, but my statement is that, knowing</p> <p>12 Catherine's work, she would have read this to</p> <p>13 Ms. McMahon.</p> <p>14 Q So your understanding is that it was, in</p> <p>15 fact, read to Ms. McMahon although you weren't</p> <p>16 actually on the telephone call; is that correct?</p> <p>17 A Correct.</p> <p>18 Q And as you sit here today, there's</p> <p>19 nothing that you know or that you've learned which</p> <p>20 would make you think otherwise; is that correct?</p> <p>21 A That's correct.</p> <p>22 Q I'd like to direct your attention to the</p> <p>23 fourth bullet, Ms. Freiberg.</p> <p>24 This fourth bullet I will read into the</p> <p>25 record. It states, "Examples of behaviors that we</p>	<p style="text-align: right;">Page 69</p> <p>1 M. Freiberg</p> <p>2 would be for emphasis of that point over others, but</p> <p>3 it's about clarity.</p> <p>4 Q So your understanding is that it is</p> <p>5 intended to be made clear to the potential employee</p> <p>6 that World Vision defines marriage as between a man</p> <p>7 and a woman; correct?</p> <p>8 A It's intended to show both pieces, that</p> <p>9 sexual conduct that occur outside of marriage is not</p> <p>10 in alignment with our standards; and that World</p> <p>11 Vision further defines marriage as between a man and</p> <p>12 a woman.</p> <p>13 Q So if an individual were engaging in</p> <p>14 sexual conduct outside of a marriage, irrespective of</p> <p>15 whether it's tradition or same-sex, this would not be</p> <p>16 in alignment with World Vision's standards of conduct</p> <p>17 and would be concluded to be an unacceptable behavior</p> <p>18 of an employee; is that accurate?</p> <p>19 MR. WARD: Objection as to form.</p> <p>20 You may answer.</p> <p>21 A That -- that was a very long sentence.</p> <p>22 Perhaps, Teri, could you read that back?</p> <p>23 (WHEREUPON, the previous question was</p> <p>24 read by the court reporter.)</p> <p>25 A Yeah, I'm just trying to understand</p>

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<p style="text-align: right;">Page 70</p> <p>1 M. Freiberg</p> <p>2 the -- the kind of point of the question.</p> <p>3 So if there was sexual conduct outside of</p> <p>4 a marriage between a man and a woman, that would not</p> <p>5 be in alignment; and if there was sexual conduct in a</p> <p>6 same-sex marriage, that also isn't align- -- in</p> <p>7 alignment; and furthermore, World Vision defines</p> <p>8 marriage as being between man and a woman. So that's</p> <p>9 the way in which it recognizes marriage.</p> <p>10 Q So if an individual were in a same-sex</p> <p>11 marriage, would or would that not be in alignment</p> <p>12 with World Vision's standards of conduct?</p> <p>13 A It would --</p> <p>14 MR. WARD: Just objection as to form.</p> <p>15 You may answer.</p> <p>16 A Okay. It would not be in alignment with</p> <p>17 our standards of conduct.</p> <p>18 Q And as such, it would be unacceptable</p> <p>19 behavior; is that correct?</p> <p>20 A That is correct.</p> <p>21 MR. WARD: Objection to form.</p> <p>22 A That is correct.</p> <p>23 Q Now, having had a chance to review this</p> <p>24 document, Ms. Freiberg, and in looking back at the</p> <p>25 e-mail which was sent -- excuse me, which was sent to</p>	<p style="text-align: right;">Page 72</p> <p>1 M. Freiberg</p> <p>2 to our standards of conduct.</p> <p>3 Q Was the issue that she was not in</p> <p>4 alignment, or was the issue that her phone interview</p> <p>5 responses was inconsistent with her January 5th</p> <p>6 e-mail?</p> <p>7 MR. WARD: I'm going to object as to</p> <p>8 form.</p> <p>9 A The issue is that it is a World Vision</p> <p>10 expectation to comply with our standards of conduct,</p> <p>11 and she re- -- responded in the phone screen to the</p> <p>12 affirmative, but her e-mail to us, that was</p> <p>13 contradictory to that.</p> <p>14 Q So was her employment rescinded -- excuse</p> <p>15 me, was the offer of employment rescinded because of</p> <p>16 an inconsistency, or because she was in a same-sex</p> <p>17 marriage?</p> <p>18 MR. WARD: Objection as to form.</p> <p>19 A Well, the offer was rescinded for a few</p> <p>20 reasons. The first being that we sought to speak</p> <p>21 with her to understand the e-mail that she sent, and</p> <p>22 in spite of several attempts, we were unable to do</p> <p>23 so, which then caused us to use the e-mail at face</p> <p>24 value, and we rescinded the offer. Then when we were</p> <p>25 able to speak with, her she confirmed that, in fact,</p>
<p style="text-align: right;">Page 71</p> <p>1 M. Freiberg</p> <p>2 you by Catherine Miolla on January 5th, wherein it</p> <p>3 states, "The standards of conduct section with her</p> <p>4 responses is the last section," to which section did</p> <p>5 that refer?</p> <p>6 A Okay. Teri, could you scroll down?</p> <p>7 THE REPORTER: (Complying)</p> <p>8 A So it's to this section.</p> <p>9 Q Okay. And specifically, why was there</p> <p>10 communication between you and Ms. Miolla as it</p> <p>11 related to this last page of Plaintiff's Exhibit</p> <p>12 Number 6?</p> <p>13 A Because the middle question, which reads,</p> <p>14 "It's important that you know of World Vision's</p> <p>15 expectation so that you can decide if we are the</p> <p>16 right organization for you. Are you willing and able</p> <p>17 to comply with the standards of conduct if employed</p> <p>18 by World Vision?"</p> <p>19 And the question of her was whether she</p> <p>20 can comply, and she responded, "I'm aligned, yes."</p> <p>21 Q And what about her response to this</p> <p>22 answer caused communication between you and</p> <p>23 Ms. Miolla, amongst others?</p> <p>24 A Because her e-mail referred to her wife,</p> <p>25 which would then mean that she was not in alignment</p>	<p style="text-align: right;">Page 73</p> <p>1 M. Freiberg</p> <p>2 she did mean her wife, and when we reviewed her</p> <p>3 responses to the -- to this -- to the question that</p> <p>4 we just reviewed, she indicated that she didn't think</p> <p>5 that it mattered, she felt that as long as she was</p> <p>6 okay working for an organization that believed what</p> <p>7 we believe, that would be sufficient.</p> <p>8 Q So if I'm understanding this, there were</p> <p>9 a number of factors that contributed to her offer of</p> <p>10 employment having been rescinded; is that correct?</p> <p>11 A Yes.</p> <p>12 Q The first was, in essence, your inability</p> <p>13 to get in touch with her when you first reached out</p> <p>14 to her; is that one factor?</p> <p>15 MR. WARD: I'm going to object as to</p> <p>16 form.</p> <p>17 But you may answer.</p> <p>18 A It was -- it -- it was, and I just would</p> <p>19 add that it was over the course of multiple attempts</p> <p>20 over three days.</p> <p>21 Q Understood.</p> <p>22 Was another factor the fact that her</p> <p>23 answers were -- question withdrawn.</p> <p>24 Was another factor that her responses to</p> <p>25 the phone interview were inconsistent with the e-mail</p>

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<p style="text-align: right;">Page 74</p> <p>1 M. Freiberg</p> <p>2 that she sent Catherine Miolla on January the 5th?</p> <p>3 A I would say yes, and that it was because</p> <p>4 what she stated to be true was the e-mail as opposed</p> <p>5 to the phone screen. And --</p> <p>6 Q Was a -- I'm sorry. My apologies again.</p> <p>7 I'll -- I'll make sure I wait long enough so that way</p> <p>8 we can -- you can get your full completed answer.</p> <p>9 A Yes. I actually don't remember what I</p> <p>10 was going to say as my second point, so go ahead.</p> <p>11 Q Was another factor for the determination</p> <p>12 to rescind the job offer to Ms. McMahon because it</p> <p>13 was revealed that she was in a same-sex marriage?</p> <p>14 A The same-sex marriage would mean that she</p> <p>15 would not be able to comply with our standards of</p> <p>16 conduct, so the answer is yes to that.</p> <p>17 Q Was Ms. McMahon being LGBTQ a factor in</p> <p>18 the determination to rescind the job offer extended</p> <p>19 to her by World Vision Incorporated?</p> <p>20 MR. WARD: Objection to form.</p> <p>21 You may answer.</p> <p>22 A No, it wasn't.</p> <p>23 Q Ms. Freiberg, at some point after</p> <p>24 January 5th, 2021, were you a participant in</p> <p>25 discussions involving the rescission of the job offer</p>	<p style="text-align: right;">Page 76</p> <p>1 M. Freiberg</p> <p>2 McMahon?</p> <p>3 A No, not specifically with Ms. Talbot.</p> <p>4 Q Between January 5th and January 8th of</p> <p>5 2021, approximately how many times did you speak with</p> <p>6 Ms. Talbot on the topic of Aubry McMahon?</p> <p>7 A Well, there were -- there was a few</p> <p>8 privileged conversations, but outside of that, I</p> <p>9 remember one conversation that was about sort of</p> <p>10 training or role-playing the conversation to be had</p> <p>11 with Ms. McMahon.</p> <p>12 MR. WOLNOWSKI: Just give me one moment</p> <p>13 here.</p> <p>14 (Pause in the proceeding)</p> <p>15 (WHEREUPON, the previous portion of the</p> <p>16 testimony was read by the court reporter.)</p> <p>17 Q So my question first, you said aside from</p> <p>18 privileged conversations, without -- I don't want to</p> <p>19 know what was said in those privileged conversations,</p> <p>20 but from your recollection, approximately how many</p> <p>21 privileged conversations took place?</p> <p>22 A A -- a few. Maybe two.</p> <p>23 Q Okay. And if you could, please tell me</p> <p>24 everything you can remember about the conversation</p> <p>25 you had with Ms. Talbot as it related to role-playing</p>
<p style="text-align: right;">Page 75</p> <p>1 M. Freiberg</p> <p>2 extended to Aubry McMahon?</p> <p>3 A I was.</p> <p>4 Q If you know, who was the person or who</p> <p>5 were the persons who made the ultimate decision to</p> <p>6 rescind the offer of employment extended to Aubry</p> <p>7 McMahon by World Vision Incorporated?</p> <p>8 A The person who made the ultimate decision</p> <p>9 to rescind the offer was Christine Talbot, senior</p> <p>10 vice president of human resources.</p> <p>11 Would you like me to spell her name?</p> <p>12 Q I will spell it, but thank you very much</p> <p>13 for offering.</p> <p>14 (Discussion held off the record)</p> <p>15 Q Ms. Freiberg, did you personally play any</p> <p>16 role in deciding to rescind the job offer made to</p> <p>17 Aubry McMahon made by World Vision Incorporated?</p> <p>18 MR. WARD: Objection as to form.</p> <p>19 You may answer.</p> <p>20 A I was part of the discussion, but not the</p> <p>21 ultimate decision maker.</p> <p>22 Q At some point between January 5th and</p> <p>23 January 8th, 2021, did you and Christine Talbot</p> <p>24 discuss how the decision to rescind the offer of</p> <p>25 employment was going to be communicated to Aubry</p>	<p style="text-align: right;">Page 77</p> <p>1 M. Freiberg</p> <p>2 with Aubry McMahon, as you had touched upon just a</p> <p>3 moment ago in a previous response.</p> <p>4 A As that time was centered around</p> <p>5 anticipating what kind of questions we may receive --</p> <p>6 and when I say "we," I mean Catherine and I, because</p> <p>7 both of us were planning to be on the call with</p> <p>8 Ms. McMahon -- and just receiving, you know, guidance</p> <p>9 and support from Ms. -- Christine Talbot.</p> <p>10 Q Okay. And approximately when did that</p> <p>11 conversation take place?</p> <p>12 A I expect it would have occurred like</p> <p>13 around January 5th, maybe the 6th, somewhere in that</p> <p>14 time frame.</p> <p>15 Q Do you recall approximately how long it</p> <p>16 lasted?</p> <p>17 A Maybe 20 minutes, but I'm -- I -- I'm not</p> <p>18 certain about that.</p> <p>19 Q Was anybody else on that call -- or</p> <p>20 excuse me, was anybody else a participant to that</p> <p>21 conversation?</p> <p>22 A Catherine Miolla was there.</p> <p>23 Q Was that a RingCentral meeting,</p> <p>24 Ms. Freiberg?</p> <p>25 A I'm not sure if it was a RingCentral</p>

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<p style="text-align: right;">Page 78</p> <p>1 M. Freiberg</p> <p>2 meeting.</p> <p>3 Q Okay. I'd like to show you what will be</p> <p>4 marked Plaintiff's Exhibit Number 7.</p> <p>5 Ms. Freiberg, what I can show you, which</p> <p>6 will be marked as Plaintiff's Exhibit Number 7, is a</p> <p>7 document bearing Bates-stamp numbers WV 240 and 241.</p> <p>8 It's a document which was exchanged in the discovery</p> <p>9 phase of this litigation.</p> <p>10 Please review it when you have a moment</p> <p>11 and let me know once you've concluded doing so.</p> <p>12 (WHEREUPON, the above-referred-to</p> <p>13 document, Bates-stamped WV-000240 through</p> <p>14 WV-000241, was marked as Plaintiff's</p> <p>15 Exhibit 7, for identification, as of this</p> <p>16 date, and displayed by the court reporter.)</p> <p>17 THE WITNESS: If you're waiting my</p> <p>18 indication that I've reviewed it, I'm done.</p> <p>19 Q Okay. Ms. Talbot (sic), do you recognize</p> <p>20 the document that I've shown you marked as</p> <p>21 Plaintiff's Exhibit Number 7?</p> <p>22 A Are you asking Ms. Talbot, or are you</p> <p>23 asking me?</p> <p>24 Q I'm sorry. My apologies.</p> <p>25 Ms. Freiberg, have -- do you recognize</p>	<p style="text-align: right;">Page 80</p> <p>1 M. Freiberg</p> <p>2 about a conversation that you had with both</p> <p>3 Ms. Talbot and Ms. Miolla relating to a script.</p> <p>4 Is the document that I'm showing you the</p> <p>5 invitation for the meeting that you had just</p> <p>6 described?</p> <p>7 MR. WARD: I'm going to object as to</p> <p>8 form.</p> <p>9 You may answer.</p> <p>10 A I'm not understanding the question. I'm</p> <p>11 not understanding the connection between the script</p> <p>12 and this call.</p> <p>13 Q Well, follow me, if you will.</p> <p>14 You have mentioned that you, Christine</p> <p>15 Talbot, and Catherine Miolla had a discussion where</p> <p>16 you talked about what you were going to discuss with</p> <p>17 Aubry; right?</p> <p>18 A Yes.</p> <p>19 Q And this document, which is Plaintiff's</p> <p>20 Exhibit 7, appears to be an invitation to join a</p> <p>21 RingCentral call.</p> <p>22 A Correct.</p> <p>23 Q Was the conversation that you had with</p> <p>24 Christine and Catherine a conversation for which this</p> <p>25 invitation had been sent?</p>
<p style="text-align: right;">Page 79</p> <p>1 M. Freiberg</p> <p>2 the document that I've shown you marked as</p> <p>3 Plaintiff's Exhibit Number 7?</p> <p>4 A Yes, I do.</p> <p>5 Q Have you ever seen it before?</p> <p>6 A Yes, I -- I guess so. Yeah.</p> <p>7 Q At some point between January 5th and</p> <p>8 January 8th of 2021, did you disseminate call-in</p> <p>9 information relating to a RingCentral meeting with</p> <p>10 you and/or Christine Talbot and Catherine Miolla?</p> <p>11 A You're asking if I disseminated that</p> <p>12 information?</p> <p>13 Q Yes. If you were the one who sent it</p> <p>14 around so that people could join.</p> <p>15 A Oh, okay. Yes, I initiated the</p> <p>16 RingCentral call, according to this -- to this</p> <p>17 document.</p> <p>18 Q Well, irrespective of what the document</p> <p>19 shows, I'm asking you if you recall having</p> <p>20 disseminated or sending around a -- RingCentral</p> <p>21 call-in information?</p> <p>22 A Well, if I'm honest, I would not have</p> <p>23 remembered that I did that as opposed to Ms. Talbot's</p> <p>24 administrative assistant or herself or Catherine.</p> <p>25 Q And we had discussed just a moment ago</p>	<p style="text-align: right;">Page 81</p> <p>1 M. Freiberg</p> <p>2 A It -- it was not about the script that</p> <p>3 Catherine read to Ms. McMahon.</p> <p>4 Q This subject line states, "Dry run" --</p> <p>5 A Yes.</p> <p>6 Q -- correct?</p> <p>7 A Yes.</p> <p>8 Q Could you explain what the meaning was</p> <p>9 between -- behind "Dry run"?</p> <p>10 A Yes. The meaning behind "Dry run" was</p> <p>11 regarding the ultimate phone call that we had on</p> <p>12 January 8th with Ms. McMahon where we had -- where we</p> <p>13 were able to confirm her e-mail and whether she</p> <p>14 intended to refer to her wife, and whether she</p> <p>15 confirmed that she had, in fact, indicated that she</p> <p>16 would comply with our standards of conduct. And so</p> <p>17 the dry run was to anticipate questions that could be</p> <p>18 had in that meeting that we would have with</p> <p>19 Ms. McMahon.</p> <p>20 Q And that dry run meeting or conversation,</p> <p>21 was that the only communication you had with</p> <p>22 Christine Talbot between January 5th and</p> <p>23 January 28th (sic) as it regarded Aubry McMahon?</p> <p>24 MR. WARD: Objection as to form.</p> <p>25 Misstates prior testimony.</p>

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<p style="text-align: right;">Page 82</p> <p>1 M. Freiberg</p> <p>2 THE WITNESS: Do I answer?</p> <p>3 MR. WARD: Yeah, you can answer.</p> <p>4 A Okay. It was the only non-privileged</p> <p>5 meeting that I recall with Ms. Talbot -- with</p> <p>6 Christine Talbot.</p> <p>7 Q Understood.</p> <p>8 And in early January of 2020 (sic), if</p> <p>9 you could just please confirm, what position or</p> <p>10 positions did Christine Talbot hold with World</p> <p>11 Vision?</p> <p>12 A Christine Talbot was the senior vice</p> <p>13 president of human resources for World Vision.</p> <p>14 Q In January of 2021, was Christine Talbot</p> <p>15 your subordinate, or were you hers, or were you</p> <p>16 equal?</p> <p>17 A I was her subordinate.</p> <p>18 Q Is Christine Talbot still employed by</p> <p>19 World Vision Incorporated, to your knowledge?</p> <p>20 A She is not.</p> <p>21 Q Do you recall when she ceased working for</p> <p>22 World Vision Incorporated?</p> <p>23 A Yes. On -- well, I will say it as an</p> <p>24 approximate date, February 3rd if -- around</p> <p>25 February 3rd.</p>	<p style="text-align: right;">Page 84</p> <p>1 M. Freiberg</p> <p>2 document in light of it having -- not having a</p> <p>3 year, so again, I will put that in writing</p> <p>4 and, indeed, opposing counsel can take that</p> <p>5 under advisement.</p> <p>6 Second, I will be making a request for</p> <p>7 production with respect to any written</p> <p>8 training documentation as it relates to</p> <p>9 number 11 and number 12 as to prayer, part of</p> <p>10 Plaintiff's Exhibit Number 1. Again, I'll put</p> <p>11 those in writing, you can take it under</p> <p>12 advisement, but wanted to just put those on</p> <p>13 the record.</p> <p>14 CONTINUED EXAMINATION BY MR. WOLNOWSKI:</p> <p>15 Q Ms. Freiberg, we just took a break so you</p> <p>16 could eat lunch; correct?</p> <p>17 A That is correct.</p> <p>18 Q Did you speak with anybody about your</p> <p>19 deposition testimony during break?</p> <p>20 A Well, what we spoke about was just to</p> <p>21 continue doing what I was doing, so just advisement</p> <p>22 to listen carefully --</p> <p>23 Q Well --</p> <p>24 A -- respond.</p> <p>25 Q Okay. I'm sorry, I didn't mean to</p>
<p style="text-align: right;">Page 83</p> <p>1 M. Freiberg</p> <p>2 Q Sure.</p> <p>3 Of what year, Ms. Freiberg?</p> <p>4 A Oh, sorry. Of 2023.</p> <p>5 Q So she ceased working there a couple</p> <p>6 weeks ago; is that accurate?</p> <p>7 A Yes.</p> <p>8 Q To the extent you know and if you know,</p> <p>9 why did she cease working for World Vision</p> <p>10 Incorporated?</p> <p>11 A She retired.</p> <p>12 MR. WOLNOWSKI: Okay. So let's go off</p> <p>13 the record.</p> <p>14 (Discussion held off the record)</p> <p>15 (WHEREUPON, a luncheon recess was taken</p> <p>16 from 4:52 p.m. to 5:27 p.m., after which the</p> <p>17 following transpired:)</p> <p>18 MR. WOLNOWSKI: Before we continue, just</p> <p>19 a couple housekeeping things that I noticed</p> <p>20 while we were on break.</p> <p>21 Initially wanted to say that I'm going to</p> <p>22 make a call for production with respect to the</p> <p>23 posting for the specific job for which Aubry</p> <p>24 applied. There was some equivocation about</p> <p>25 whether Plaintiff's Exhibit 1 was that</p>	<p style="text-align: right;">Page 85</p> <p>1 M. Freiberg</p> <p>2 interrupt.</p> <p>3 MR. WARD: Well, I should caution, as to</p> <p>4 privilege, you can answer the first question,</p> <p>5 and then just let him ask each question.</p> <p>6 So I think your question, Casey, if you</p> <p>7 want to just repeat it, and then --</p> <p>8 MR. WOLNOWSKI: Can you read back the</p> <p>9 question, Ms. Ratner?</p> <p>10 (WHEREUPON, the previous question was</p> <p>11 read by the court reporter.)</p> <p>12 A The answer is yes.</p> <p>13 Q Was it with anybody aside from your</p> <p>14 attorneys?</p> <p>15 A No.</p> <p>16 Q Was there anybody who directed you to</p> <p>17 give any kind of specific testimony upon returning</p> <p>18 from break?</p> <p>19 A No.</p> <p>20 Q Ms. Freiberg, at some point on</p> <p>21 January 6th, 2011 (sic), were you a participant on</p> <p>22 any e-mails with Christine Talbot and/or Catherine</p> <p>23 Miolla relating to reviewing a script of some sort?</p> <p>24 A I'm not recalling that.</p> <p>25 (WHEREUPON, the previous question was</p>

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<p style="text-align: right;">Page 86</p> <p>1 M. Freiberg</p> <p>2 read by the court reporter.)</p> <p>3 MR. WOLNOWSKI: 2021.</p> <p>4 MR. WARD: I'm sorry, it was on or about</p> <p>5 January 6 of 2021?</p> <p>6 MR. WOLNOWSKI: Yes.</p> <p>7 (WHEREUPON, the previous question was</p> <p>8 corrected and read by the court reporter.)</p> <p>9 MR. WARD: Thank you.</p> <p>10 We can agree January 6, 2021.</p> <p>11 Thank you.</p> <p>12 Q Same answer, Ms. Freiberg?</p> <p>13 A Maybe a clarifying question.</p> <p>14 Is -- are you referring to --</p> <p>15 Q Let me -- I'll -- I'll ask. We can</p> <p>16 just --</p> <p>17 To be clear, Ms. Freiberg, at some point</p> <p>18 on or about January 6th of 2021, were you a</p> <p>19 participant on any e-mails with Christine Talbot</p> <p>20 and/or Catherine Miolla relating to reviewing a</p> <p>21 script of some sort?</p> <p>22 A I don't remember.</p> <p>23 Q Ms. Freiberg, I'd like to show you what</p> <p>24 will be marked as Plaintiff's Exhibit Number 8.</p> <p>25 A Okay.</p>	<p style="text-align: right;">Page 88</p> <p>1 M. Freiberg</p> <p>2 which was sent from Christine Talbot on Wednesday,</p> <p>3 January 20- -- excuse me, Wednesday, January 6th,</p> <p>4 2021 at 8:43 a.m. to you and Ms. Miolla.</p> <p>5 Do you recall receiving this e-mail?</p> <p>6 A Yes, I do. I do now.</p> <p>7 MR. WOLNOWSKI: Okay. Just put on the</p> <p>8 record, we call for production for the full</p> <p>9 document that includes all of the text. We'll</p> <p>10 put it in writing.</p> <p>11 Q At some point on January 6th, 2021, did</p> <p>12 you, Christine Talbot, and Catherine Miolla</p> <p>13 participate in an e-mail exchange discussing</p> <p>14 reviewing a script?</p> <p>15 A In accordance with this e-mail, yes.</p> <p>16 Q Please explain to me, to the extent you</p> <p>17 can remember and based on what is not an entirely</p> <p>18 complete e-mail, what was being discussed in this</p> <p>19 e-mail from Christine Talbot to you and Catherine</p> <p>20 Miolla at 8:43 a.m. on January 6th.</p> <p>21 A Well, Christine was offering to -- to</p> <p>22 review the script that we were going to use with</p> <p>23 Ms. McMahon and practice with us and also pray with</p> <p>24 us to get us ready for the eventual discussion with</p> <p>25 Ms. McMahon.</p>
<p style="text-align: right;">Page 87</p> <p>1 M. Freiberg</p> <p>2 Q It is a document which is Bate-stamped</p> <p>3 WV 242 to 244. I will represent that this is a</p> <p>4 document that was exchanged during the discovery</p> <p>5 phase of litigation in this case.</p> <p>6 Please review this document and let me</p> <p>7 know once you have completed doing so.</p> <p>8 (WHEREUPON, the above-referred-to</p> <p>9 document, Bates-stamped WV-000242 through</p> <p>10 WV-000244, was marked as Plaintiff's</p> <p>11 Exhibit 8, for identification, as of this</p> <p>12 date, displayed by the court reporter, and the</p> <p>13 witness was given the opportunity to review</p> <p>14 the entirety of the document.)</p> <p>15 (Time noted: 5:34 p.m.)</p> <p>16 Q Have you had a chance to review this</p> <p>17 document?</p> <p>18 A I have.</p> <p>19 Q Do you recognize this document?</p> <p>20 A I do.</p> <p>21 Q Have you ever seen it before?</p> <p>22 A Yes.</p> <p>23 Q So if you notice, at the bottom of the</p> <p>24 second page, the one that is marked -- Bate-stamped</p> <p>25 WV 243, there's an e-mail, some of it is cut off,</p>	<p style="text-align: right;">Page 89</p> <p>1 M. Freiberg</p> <p>2 Q Was a script ever created by anybody?</p> <p>3 A It was created under privilege.</p> <p>4 Q And if you could explain to me what --</p> <p>5 "created under privilege" -- you mean by that.</p> <p>6 MR. WARD: I'll just, for the record,</p> <p>7 object to the extent that it calls for</p> <p>8 attorney/client privileged information.</p> <p>9 But you can answer to the extent you can</p> <p>10 answer without disclosing that.</p> <p>11 A It means that, I guess, with the</p> <p>12 protection of our attorney/client privilege, we</p> <p>13 created some talking points to be able to speak with</p> <p>14 Ms. McMahon.</p> <p>15 Q Do you recall who was involved in the</p> <p>16 creation of that script?</p> <p>17 A Yes. Steve McFarland and Christine</p> <p>18 Talbot and myself.</p> <p>19 MR. WOLNOWSKI: I'm going to call for</p> <p>20 production of this document. I understand</p> <p>21 that there may be a privilege objection;</p> <p>22 nevertheless, we can hammer that out. I want</p> <p>23 to put it in writing, and certainly opposing</p> <p>24 counsel can take that under advisement.</p> <p>25 MR. WARD: I understand that, and just</p>

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<p style="text-align: right;">Page 90</p> <p>1 M. Freiberg</p> <p>2 for the record, we would state it's protected</p> <p>3 by attorney/client privilege, but we'll wait</p> <p>4 and respond to the written request.</p> <p>5 Q Ms. Freiberg, when it was ultimately</p> <p>6 discussed with Ms. McMahon, the rescission of her</p> <p>7 offer of employment, was any sort of script utilized</p> <p>8 during that call?</p> <p>9 MR. WARD: Objection as to form and to</p> <p>10 the extent it calls for communicative</p> <p>11 information.</p> <p>12 You may ask -- answer.</p> <p>13 A Yes.</p> <p>14 Q And who ultimately utilized that; was it</p> <p>15 you or somebody else?</p> <p>16 A It was ultimately me.</p> <p>17 Q In the e-mail which was sent at 8:43 a.m.</p> <p>18 on January the 6th, Christine seems to mention that</p> <p>19 sometimes a candidate is not a good fit.</p> <p>20 Do you see that?</p> <p>21 A I do.</p> <p>22 Q Did you have any conversation with her</p> <p>23 about what she meant?</p> <p>24 A No, we did not have further conversation</p> <p>25 about the content of this e-mail.</p>	<p style="text-align: right;">Page 92</p> <p>1 M. Freiberg</p> <p>2 Q -- to the extent you know.</p> <p>3 A So my understanding is it was</p> <p>4 communicated to Ms. McMahon in an e-mail from</p> <p>5 Catherine Miolla to Ms. McMahon.</p> <p>6 Q Ms. Freiberg, I'd like to show you what</p> <p>7 will be marked as Plaintiff's Exhibit Number 9. It</p> <p>8 is a document bearing Bates-stamp numbers WV 81 to 82.</p> <p>9 If you could, please review it at your</p> <p>10 convenience and let me know once you've had a review.</p> <p>11 I can represent that this document was exchanged</p> <p>12 during the discovery phase of litigation in this</p> <p>13 case.</p> <p>14 (WHEREUPON, the above-referred-to</p> <p>15 document, Bates-stamped WV-000081 through</p> <p>16 WV-000082, was marked as Plaintiff's</p> <p>17 Exhibit 9, for identification, as of this</p> <p>18 date, displayed by the court reporter, and the</p> <p>19 witness was given the opportunity to review</p> <p>20 the entirety of the document.)</p> <p>21 (Time noted: 5:44 p.m.)</p> <p>22 Q Okay. Ms. Freiberg, have you had a</p> <p>23 chance to review the document which has been marked</p> <p>24 as Plaintiff's Exhibit Number 9?</p> <p>25 A I have.</p>
<p style="text-align: right;">Page 91</p> <p>1 M. Freiberg</p> <p>2 Q What did you understand it to mean when</p> <p>3 she stated that sometimes a candidate is not a good</p> <p>4 fit?</p> <p>5 MR. WARD: Objection as to form.</p> <p>6 You may answer.</p> <p>7 A What I understood it to mean was that if</p> <p>8 her statement of having a wife and not being able to</p> <p>9 comply with our standards of conduct, that would</p> <p>10 exclude her from being able to work at World Vision.</p> <p>11 Q From your recollection, did that dry run</p> <p>12 RingCentral conversation take place before or after</p> <p>13 this January 6 e-mail which was sent to you from</p> <p>14 Ms. Talbot at 8:43 a.m.?</p> <p>15 A Well, from this e-mail, it would have</p> <p>16 occurred before -- like the e-mail would have</p> <p>17 occurred before the actual dry run.</p> <p>18 Q Okay. If you know, Ms. Freiberg, how was</p> <p>19 the rescission of Aubry McMahon's job offer by World</p> <p>20 Vision Incorporated initially communicated to Aubry</p> <p>21 McMahon?</p> <p>22 A Your question is how the rescission was</p> <p>23 communicated to Ms. McMahon?</p> <p>24 Q Initially communicated to her --</p> <p>25 A It was --</p>	<p style="text-align: right;">Page 93</p> <p>1 M. Freiberg</p> <p>2 Q Have you ever seen this document before?</p> <p>3 A I have.</p> <p>4 Q Do you recognize this document?</p> <p>5 A I -- I recognize it.</p> <p>6 Q At the start of the bottom of the second</p> <p>7 page, the page which is marked Bates-stamped WV 82 --</p> <p>8 MR. WOLNOWSKI: You need to scroll up</p> <p>9 just a little bit, Ms. Ratner.</p> <p>10 THE REPORTER: (Complying)</p> <p>11 Q So this is an e-mail chain between</p> <p>12 Catherine Miolla and Aubry McMahon; correct?</p> <p>13 A Yes.</p> <p>14 Q And the first e-mail, which is at the</p> <p>15 bottom of the second page, is the January 5th e-mail</p> <p>16 that Aubry sent to Ms. Miolla in which she stated</p> <p>17 amongst other things that she and her wife are</p> <p>18 expecting their first baby in March.</p> <p>19 Would you agree?</p> <p>20 A I would agree.</p> <p>21 Q That e-mail was sent January 5th, 2021 at</p> <p>22 11:56; correct?</p> <p>23 A Yes, that is the time that it's</p> <p>24 date-stamped.</p> <p>25 Q And then Catherine Miolla responded to</p>

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<p style="text-align: right;">Page 94</p> <p>1 M. Freiberg</p> <p>2 that at 4:59 p.m. on January 5th, according to this</p> <p>3 e-mail chain; correct?</p> <p>4 A Correct.</p> <p>5 Q And in that e-mail, she wrote, "Hi Aubry,</p> <p>6 thank you for your e-mail and questions. Do you have</p> <p>7 time tomorrow afternoon to discuss by phone? I have</p> <p>8 a few interviews scheduled, but could give you a call</p> <p>9 around 4:00 p.m. EST, if that would work for you.</p> <p>10 Thanks, Catherine."</p> <p>11 That's what that second e-mail states;</p> <p>12 correct?</p> <p>13 A Yes.</p> <p>14 MR. WOLNOWSKI: If you could just scroll</p> <p>15 up to the first page.</p> <p>16 THE REPORTER: (Complying)</p> <p>17 Q Now, on Wednesday, January 6th, 2021 at</p> <p>18 5:40 p.m., Aubry e-mailed Catherine Miolla and wrote,</p> <p>19 "Hey there, so sorry, I've been crazy busy with my</p> <p>20 sister getting married. That sounds great. I can</p> <p>21 talk on Friday at any point, if you're available."</p> <p>22 Do you see that, Ms. Freiberg?</p> <p>23 A I see that.</p> <p>24 Q Were you aware at any point during</p> <p>25 January 5th or January 8th, 2021 that Ms. McMahon was</p>	<p style="text-align: right;">Page 96</p> <p>1 M. Freiberg</p> <p>2 Thursday, January 7th, 2021 at 8:54 a.m. and wrote,</p> <p>3 "No problem, Aubry. How about Friday at 1:00 p.m.</p> <p>4 EST? If that works for you, I will give you a call</p> <p>5 at that time. Thank you, Catherine."</p> <p>6 MR. WARD: Objection as to form.</p> <p>7 You may answer.</p> <p>8 A I agree that that is Catherine's response</p> <p>9 to Ms. McMahon.</p> <p>10 Q In this e-mail, does Catherine state</p> <p>11 anything about an urgency with which they need to</p> <p>12 talk on the telephone?</p> <p>13 MR. WARD: Objection as to form.</p> <p>14 You may answer.</p> <p>15 A No, she does not.</p> <p>16 Q Was there any kind of communication, to</p> <p>17 your knowledge, communicated to Aubry McMahon that if</p> <p>18 she was unable to make that 1:00 p.m. phone call on</p> <p>19 Friday, that the offer of employment would be</p> <p>20 rescinded?</p> <p>21 A No, that was not communicated.</p> <p>22 Q Were there any communications to Aubry</p> <p>23 McMahon either by Catherine Miolla or otherwise which</p> <p>24 communicated an urgency that they needed to speak</p> <p>25 with her by Friday at 1 o'clock p.m.?</p>
<p style="text-align: right;">Page 95</p> <p>1 M. Freiberg</p> <p>2 involved in what appeared to be her sister getting</p> <p>3 married?</p> <p>4 MR. WARD: Objection as to form.</p> <p>5 You may answer.</p> <p>6 A I was aware as a result of the contents</p> <p>7 of this e-mail.</p> <p>8 Q When did you first see this e-mail that's</p> <p>9 dated January 6th, 2021, which is marked having been</p> <p>10 sent at 5:40 p.m.?</p> <p>11 A I -- I'm not sure of the exact date and</p> <p>12 time.</p> <p>13 Q Did the fact that Aubry represented that</p> <p>14 she's been, in her words, "crazy busy" with her</p> <p>15 sister getting married have any impact on the urgency</p> <p>16 with which the folks at World Vision Incorporated</p> <p>17 needed to speak with her?</p> <p>18 MR. WARD: I'm going to object as to</p> <p>19 form.</p> <p>20 A Well, it's her -- her response that she</p> <p>21 was very busy and that she could speak on Friday was</p> <p>22 granted to her, so we took that into advisement and</p> <p>23 agreed to speak with her on Friday.</p> <p>24 Q In fact, in response to this e-mail,</p> <p>25 isn't it correct that Catherine Miolla e-mailed Aubry</p>	<p style="text-align: right;">Page 97</p> <p>1 M. Freiberg</p> <p>2 MR. WARD: Objection as to form.</p> <p>3 You may answer.</p> <p>4 A There were no specific communications in</p> <p>5 that way.</p> <p>6 Q I'd like to take you to the top of</p> <p>7 page 1.</p> <p>8 On January 8th, 2021 at 2 o'clock p.m.,</p> <p>9 Catherine Miolla e-mailed Aubry McMahon and wrote,</p> <p>10 "Aubry, since our communication on Tuesday, I've</p> <p>11 tried several times to get in touch with you to</p> <p>12 discuss a discrepancy in your interview responses.</p> <p>13 Since I have not heard back from you to resolve the</p> <p>14 discrepancy, I'm rescinding the job offer that was</p> <p>15 extended to you on Monday, January the 4th. I wish</p> <p>16 you all the best in your future endeavors.</p> <p>17 Catherine."</p> <p>18 Do you see that, Ms. Freiberg?</p> <p>19 A I do see that.</p> <p>20 Q Is it fair to say that in this e-mail</p> <p>21 dated January 8th, 2021 at 2 o'clock p.m., that</p> <p>22 Ms. Miolla notified Aubry McMahon that the job offer</p> <p>23 extended to her by World Vision Incorporated had</p> <p>24 indeed been rescinded?</p> <p>25 MR. WARD: Objection as to form.</p>

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<p style="text-align: right;">Page 98</p> <p>1 M. Freiberg</p> <p>2 You may answer.</p> <p>3 A Yes, I agree.</p> <p>4 Q Now, I believe you already testified to</p> <p>5 this, but having reviewed this document, does it</p> <p>6 refresh your recollection as to whether or not the</p> <p>7 failure to have heard back from Aubry was a factor in</p> <p>8 World Vision's determination to terminate the --</p> <p>9 excuse me, not to terminate, but to rescind the offer</p> <p>10 of employment extended to her by World Vision</p> <p>11 Incorporated?</p> <p>12 MR. WARD: Objection as to form.</p> <p>13 You may answer.</p> <p>14 A Well, I believe I've already answered</p> <p>15 this in stating that there were multiple reasons --</p> <p>16 there was more than one reason for rescinding the</p> <p>17 offer, the first of which was because despite</p> <p>18 multiple attempts to reach Ms. McMahon, we were</p> <p>19 unable to do so, and therefore, relied on her written</p> <p>20 e-mail on face value.</p> <p>21 Q To your knowledge, do you know if, after</p> <p>22 this e-mail, anybody on behalf of World Vision ever</p> <p>23 spoke on the telephone with Aubry McMahon relating to</p> <p>24 the rescission of the offer of employment?</p> <p>25 A Yes. On January 8, following this</p>	<p style="text-align: right;">Page 100</p> <p>1 M. Freiberg</p> <p>2 MR. WARD: Object as to form.</p> <p>3 You may answer.</p> <p>4 A Yeah. So it would be in the afternoon</p> <p>5 after this time; after 2:00 p.m.</p> <p>6 Q Approximately how long did the</p> <p>7 conversation last?</p> <p>8 A I would say somewhere within five -- five</p> <p>9 to ten minutes, perhaps.</p> <p>10 Q If you can recall, please tell me all --</p> <p>11 the names of all the participants on that phone call</p> <p>12 to your knowledge.</p> <p>13 A Participants on that call were Catherine</p> <p>14 Miolla, Melanie Freiberg, Aubry McMahon.</p> <p>15 Q Anybody else, to your knowledge or</p> <p>16 recollection?</p> <p>17 A No.</p> <p>18 Q If you can, Ms. Freiberg, please tell me</p> <p>19 everything you can remember about that telephone</p> <p>20 call.</p> <p>21 A So I began -- so my recollection is that</p> <p>22 I began speaking. I -- I believe I congratulated</p> <p>23 Ms. McMahon on being -- you know, being about to --</p> <p>24 to have a baby. I asked her about her e-mail and</p> <p>25 whether she intended to say that -- she intended</p>
<p style="text-align: right;">Page 99</p> <p>1 M. Freiberg</p> <p>2 e-mail, Catherine and I spoke with Ms. McMahon.</p> <p>3 Q And with respect to that telephone call,</p> <p>4 do you recall when it took place, give or take?</p> <p>5 A I don't recall the time.</p> <p>6 Q Would you say that it happened in the</p> <p>7 morning?</p> <p>8 A I would not say that it happened in the</p> <p>9 morning.</p> <p>10 Q Would you say that it happened in the</p> <p>11 afternoon?</p> <p>12 A Yes.</p> <p>13 Q To the best of your recollection, would</p> <p>14 you say that it happened in the afternoon before</p> <p>15 3 o'clock p.m.?</p> <p>16 A You know, it -- it could --</p> <p>17 MR. WARD: Objection as to form.</p> <p>18 You may answer.</p> <p>19 A We could confirm that, because there's, I</p> <p>20 believe, another e-mail from Ms. McMahon where she</p> <p>21 replies to -- to Catherine, so it would be after that</p> <p>22 time.</p> <p>23 Q Well, I'm asking you from your</p> <p>24 recollection. Not what a document may or may not</p> <p>25 say.</p>	<p style="text-align: right;">Page 101</p> <p>1 M. Freiberg</p> <p>2 to -- to use the term "wife." And then I asked --</p> <p>3 I -- I reread her the -- the section of the script,</p> <p>4 and reread that section to her to describe what the</p> <p>5 examples were of conduct that were not acceptable or</p> <p>6 that -- yeah, were not acceptable. And then I read</p> <p>7 the question to her that included the question about</p> <p>8 would she comply with those standards of conduct, and</p> <p>9 then I read her response to her and I asked her if</p> <p>10 that was accurate.</p> <p>11 Q Okay. You told me a lot there about what</p> <p>12 you said during that telephone call.</p> <p>13 If you could please tell me what either</p> <p>14 Aubry McMahon said or Catherine Miolla said.</p> <p>15 A Aubry McMahon confirmed that she was</p> <p>16 referencing her wife. And when I read the section of</p> <p>17 the script to her, including her response of "I'm</p> <p>18 aligned," she did not disagree.</p> <p>19 Q Did she give any explanation as to that</p> <p>20 section, or did she give any kind of further</p> <p>21 discussion as it related to that?</p> <p>22 MR. WARD: Objection as to form.</p> <p>23 You may answer.</p> <p>24 A Her response, though I don't know the</p> <p>25 word for word, but it was along the lines of, I</p>

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<p style="text-align: right;">Page 102</p> <p>1 M. Freiberg</p> <p>2 understood that, but I thought if I was okay to work</p> <p>3 for an organization that believed what World Vision</p> <p>4 believes, then that would be sufficient. So again,</p> <p>5 these are not exact words, but it's the gist of her</p> <p>6 response.</p> <p>7 Q Was that a satisfactory response, in your</p> <p>8 opinion?</p> <p>9 MR. WARD: Objection as to form.</p> <p>10 You may answer.</p> <p>11 A It was satisfactory in the sense that it</p> <p>12 confirmed that the phone screen was not correct, that</p> <p>13 she was not in alignment with our standards of</p> <p>14 conduct.</p> <p>15 Q And so is it possible that somebody could</p> <p>16 be in alignment with the standards of conduct as it</p> <p>17 relates to same-sex marriage, but yet be in a</p> <p>18 same-sex marriage?</p> <p>19 MR. WARD: Objection as to form.</p> <p>20 A It would not be possible in a same-sex</p> <p>21 marriage to comply with the expectation surrounding</p> <p>22 marriage.</p> <p>23 Q Aside from what you've just told me as it</p> <p>24 relates to what you said during this telephone call</p> <p>25 and what Aubry McMahon said during this telephone</p>	<p style="text-align: right;">Page 104</p> <p>1 M. Freiberg</p> <p>2 telephone call that you can remember was discussed?</p> <p>3 A Not that I can remember, but I'm happy to</p> <p>4 answer any questions you might have.</p> <p>5 Q My only question right now is whether or</p> <p>6 not there's anything else from that phone call that</p> <p>7 you can remember that was said between any of the</p> <p>8 people who participated in the call?</p> <p>9 A Then I do not.</p> <p>10 Q Did you make a recording of that</p> <p>11 telephone call?</p> <p>12 A No. It isn't legal in Washington State</p> <p>13 to record somebody without their consent.</p> <p>14 Q Do you know if World Vision made a</p> <p>15 recording of that phone call?</p> <p>16 A World Vision did not record that call.</p> <p>17 Q Did you ever come to learn that someone</p> <p>18 had recorded at least a portion of that phone call?</p> <p>19 A I did come to learn that Aubry recorded</p> <p>20 that without my consent.</p> <p>21 Q Did Catherine Miolla speak at all during</p> <p>22 that telephone call in which you, Aubry, and her were</p> <p>23 participants?</p> <p>24 A I believe Catherine introduced me</p> <p>25 initially, but I -- Catherine did not say anything</p>
<p style="text-align: right;">Page 103</p> <p>1 M. Freiberg</p> <p>2 call, what else was said, if at all, that you can</p> <p>3 remember?</p> <p>4 A I remember questions on her part about</p> <p>5 whether, you know, the offer was rescinded because</p> <p>6 she was gay, whether the offer was rescinded because</p> <p>7 she was in a same-sex marriage, about World Vision's</p> <p>8 ability to legally do that, so there were -- there</p> <p>9 were questions along those lines.</p> <p>10 Q And from your recollection, how did you</p> <p>11 answer each of those questions?</p> <p>12 A I attempted to respond to the questions</p> <p>13 in a way that described that World Vision, as a</p> <p>14 religious organization, could require certain</p> <p>15 expectations surrounding faith as well as conduct</p> <p>16 standards -- and I'm just trying to think about other</p> <p>17 things I said. That -- you know, that ultimately the</p> <p>18 offer was not rescinded because she was gay or</p> <p>19 because she was in a same-sex marriage, but it was</p> <p>20 because that her conduct would not -- would not</p> <p>21 comply with our standards of conduct.</p> <p>22 Q And this is what you -- you told her;</p> <p>23 correct?</p> <p>24 A Yes.</p> <p>25 Q Is there anything else from that</p>	<p style="text-align: right;">Page 105</p> <p>1 M. Freiberg</p> <p>2 further other than possibly goodbye.</p> <p>3 Q I would like to show you or produce for</p> <p>4 you what will be marked as Plaintiff's Exhibit 10.</p> <p>5 It is an MP3 file which has been exchange during</p> <p>6 discovery in this case bearing file name IMG,</p> <p>7 underscore, 5098, space, 3.</p> <p>8 (WHEREUPON, the above-referred-to</p> <p>9 document, IMG_5098 3.mps, was deemed marked as</p> <p>10 Plaintiff's Exhibit 3, for identification, as</p> <p>11 of this date.)</p> <p>12 MR. WOLNOWSKI: We're off the record.</p> <p>13 (Discussion held off the record)</p> <p>14 (WHEREUPON, the audio, what was deemed</p> <p>15 marked Plaintiff's Exhibit 10, was played and</p> <p>16 transcribed as follows:)</p> <p>17 "SPEAKER 1: Yeah, I understand. So, um,</p> <p>18 the offer's being -- what's that word? Sorry.</p> <p>19 "SPEAKER 2: Basically, pulled back.</p> <p>20 "SPEAKER 1: Okay. Is -- is that because</p> <p>21 I'm in a same-sex relationship?</p> <p>22 "SPEAKER 2: Well, it is because, um, the</p> <p>23 standards of conduct, yeah, are to not have</p> <p>24 any sexual con- -- conduct outside of</p> <p>25 marriage, and marriage is defined as being</p>

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<p style="text-align: right;">Page 106</p> <p>1 M. Freiberg</p> <p>2 between a man and a woman. So that's --</p> <p>3 that's the behavior that all employees have to</p> <p>4 comply with.</p> <p>5 "SPEAKER 1: Okay. I understand."</p> <p>6 Q Ms. Freiberg, were you able to hear that?</p> <p>7 A Yes.</p> <p>8 Q Did you recognize this audio file?</p> <p>9 A Yes.</p> <p>10 Q Have you heard it before?</p> <p>11 A Yes.</p> <p>12 MR. WOLNOWSKI: I'm going to go off the</p> <p>13 record for a moment.</p> <p>14 (Discussion held off the record)</p> <p>15 Q So, Ms. Freiberg, I can represent that</p> <p>16 the audio in question that I just played for you</p> <p>17 which is moved and marked as Plaintiff's Exhibit 10</p> <p>18 is an audio file, namely, an MP3, which is 35 seconds</p> <p>19 in length, and I will read what was said -- well,</p> <p>20 before I do that, though, let me ask you.</p> <p>21 Who were the two people speaking in this</p> <p>22 audio recording?</p> <p>23 A The two people speaking were Aubry</p> <p>24 McMahon and myself, Melanie Freiberg.</p> <p>25 Q And what was said is the following:</p>	<p style="text-align: right;">Page 108</p> <p>1 M. Freiberg</p> <p>2 A Yes, I agree with that.</p> <p>3 Q So based on this recording, to your</p> <p>4 understanding, was the offer of employment made to</p> <p>5 Aubry McMahon by World Vision Incorporated rescinded</p> <p>6 because she was LGBTQ, because she was in a same-sex</p> <p>7 marriage, or for some other reason?</p> <p>8 MR. WARD: Objection as to form.</p> <p>9 A The reason that the offer was rescinded</p> <p>10 was for multiple reasons. The first, because we were</p> <p>11 unable to reach her; and the second -- and unable to</p> <p>12 reach her, and therefore concluded her e-mail was</p> <p>13 correct; and secondly, that she was not able to abide</p> <p>14 by our standards of conduct as she had previously</p> <p>15 disclosed she could.</p> <p>16 Q And the reason that she could not abide</p> <p>17 by the standards of conduct was because she was in a</p> <p>18 same-sex marriage; is that correct?</p> <p>19 MR. WARD: Objection as to form.</p> <p>20 A Yes, that is correct.</p> <p>21 Q So, Ms. Freiberg, was it because Aubry</p> <p>22 McMahon was in violation of World Vision</p> <p>23 Incorporated's standards of conduct for employees as</p> <p>24 they related to her being in a same-sex marriage that</p> <p>25 this disqualified her from working for World Vision</p>
<p style="text-align: right;">Page 107</p> <p>1 M. Freiberg</p> <p>2 Aubry: "I understand. So, um, the offer</p> <p>3 is being -- what's that word? Sorry."</p> <p>4 To which you responded: "Basically,</p> <p>5 pulled back."</p> <p>6 Aubry: "Okay. Is that because I'm in a</p> <p>7 same-sex relationship?"</p> <p>8 You: "Well, it's because, um, the</p> <p>9 standards of conduct, yeah, are to, um, not have any</p> <p>10 sexual conduct outside of marriage, and marriage is</p> <p>11 defined as being between a man and a woman, so that's</p> <p>12 the behavior that all employees have to comply with."</p> <p>13 To which Aubry responds: "Okay. I</p> <p>14 understand."</p> <p>15 Ms. Freiberg, is that your understanding</p> <p>16 of the telephone call or the portion thereof that was</p> <p>17 just played for you?</p> <p>18 A That is my understanding of the recording</p> <p>19 that was made without my consent, yes.</p> <p>20 Q Would you agree that, as stated to Aubry</p> <p>21 McMahon in this audio recording, that one reason the</p> <p>22 offer of employment made by World Vision Incorporated</p> <p>23 to her was being rescinded was because she was in a</p> <p>24 same-sex marriage?</p> <p>25 MR. WARD: Objection as to form.</p>	<p style="text-align: right;">Page 109</p> <p>1 M. Freiberg</p> <p>2 Incorporated?</p> <p>3 MR. WARD: Objection as to form. It's</p> <p>4 been asked and answered, I think.</p> <p>5 But you may answer.</p> <p>6 A Yes, I think I've already answered that.</p> <p>7 Yes, that -- that is a correct statement.</p> <p>8 And if I may elaborate, you know, World</p> <p>9 Vision believes that marriage is ordained by God and</p> <p>10 is a biblical covenant between a man and a woman, and</p> <p>11 that sexual conduct occurs within that biblical</p> <p>12 covenant of marriage; and therefore, being in a</p> <p>13 same-sex marriage would preclude her from being able</p> <p>14 to comply with our standards of conduct.</p> <p>15 Q And, in fact, did preclude her; correct?</p> <p>16 A Yes.</p> <p>17 Q In the audio that I just played for you,</p> <p>18 you don't mention anything about the inability to</p> <p>19 reach her or the lack of promptness in her responding</p> <p>20 to e-mails to connect on a call as being a reason for</p> <p>21 the rescission of her job offer; is that correct?</p> <p>22 MR. WARD: I'm going to object as to</p> <p>23 form, and I'm going to object -- I think it's</p> <p>24 a misrepresentation.</p> <p>25 Q You can answer the question if you</p>

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<p style="text-align: right;">Page 110</p> <p>1 M. Freiberg</p> <p>2 understand it, Ms. Freiberg.</p> <p>3 A You know, ultimately, what was most</p> <p>4 material, it was the inability to comply with our</p> <p>5 standards of conduct. So the rescission was on the</p> <p>6 basis of, without further contact with her, we</p> <p>7 rescinded the offer; but once we had the confirming</p> <p>8 information, the decision was -- was sound, it -- it</p> <p>9 remained in -- in force.</p> <p>10 Q But my question, I think, is a little</p> <p>11 more specific, so let me ask it a different way.</p> <p>12 In the audio recording that I just played</p> <p>13 for you, did you say anything about her</p> <p>14 nonresponsiveness to e-mails as a reason for the</p> <p>15 rescission of the job offer?</p> <p>16 MR. WARD: Counsel, I'm going to object.</p> <p>17 That's argumentative, that's misrepresenting,</p> <p>18 and I'm going to object as to form.</p> <p>19 MR. WOLNOWSKI: Any others?</p> <p>20 MR. WARD: I may have a few if I think</p> <p>21 about it, but let's be honest, Casey, you're</p> <p>22 misrepresenting --</p> <p>23 MR. WOLNOWSKI: Please, just call me</p> <p>24 counselor on the record.</p> <p>25 If she understands the question, she can</p>	<p style="text-align: right;">Page 112</p> <p>1 M. Freiberg</p> <p>2 document.)</p> <p>3 (Time noted: 6:20 p.m.)</p> <p>4 THE WITNESS: Okay. I've read it.</p> <p>5 Q Ms. Freiberg, do you recognize the</p> <p>6 document that I've just shown you?</p> <p>7 A I do.</p> <p>8 Q Have you ever seen it before?</p> <p>9 A I have.</p> <p>10 Q Can you explain to me what it is?</p> <p>11 A It is our standards of conduct document</p> <p>12 that is attached to our business ethics and Christian</p> <p>13 conduct policy.</p> <p>14 Q When you say "our," are you referring to</p> <p>15 World Vision Incorporated?</p> <p>16 A Yes.</p> <p>17 Q Was this document the standards of</p> <p>18 conduct for which all employees of World Vision</p> <p>19 Incorporated were required to conduct themselves as</p> <p>20 of January of 2021?</p> <p>21 A Yes.</p> <p>22 Q I'd like to direct your attention to the</p> <p>23 second paragraph of the first page.</p> <p>24 MR. WOLNOWSKI: Teri, if you could just</p> <p>25 scroll up for me when you have a moment.</p>
<p style="text-align: right;">Page 111</p> <p>1 M. Freiberg</p> <p>2 answer.</p> <p>3 A So I did not mention anything about not</p> <p>4 being able to get in touch with her in that</p> <p>5 discussion that we had on January 8th.</p> <p>6 Q I'd like to show you what will be marked</p> <p>7 as Plaintiff's Exhibit 11.</p> <p>8 (WHEREUPON, the above-referred-to</p> <p>9 document, Bates-stamped WV-000035 through</p> <p>10 WV-000036, was marked as Plaintiff's</p> <p>11 Exhibit 11, for identification, as of this</p> <p>12 date, and was displayed by the court</p> <p>13 reporter.)</p> <p>14 MR. WARD: Counsel, what are the Bates</p> <p>15 numbers on this, please?</p> <p>16 MR. WOLNOWSKI: Exhibit -- Plaintiff's</p> <p>17 Exhibit 11 bears Bate-stamp numbers WV 35 and</p> <p>18 36. I will represent this is a document that</p> <p>19 was exchanged during the discovery phase of</p> <p>20 litigation.</p> <p>21 Q If you could, Ms. Freiberg, please review</p> <p>22 and let me know once you've completed.</p> <p>23 A Okay.</p> <p>24 (WHEREUPON, the witness was given the</p> <p>25 opportunity to review the entirety of the</p>	<p style="text-align: right;">Page 113</p> <p>1 M. Freiberg</p> <p>2 THE REPORTER: (Complying)</p> <p>3 Q I'd like to direct your attention to the</p> <p>4 portion of the second paragraph that states -- it's</p> <p>5 in the middle -- "Therefore, all staff represent</p> <p>6 WVUS, and more importantly, to Gospel of Jesus</p> <p>7 Christ, in their work as well as in their private</p> <p>8 lives."</p> <p>9 With respect to this sentence, in</p> <p>10 January of 2021, to your knowledge, was being</p> <p>11 non-Christian a disqualifier as it related to become</p> <p>12 employed with World Vision Incorporated?</p> <p>13 MR. WARD: Objection as to form.</p> <p>14 A Yes.</p> <p>15 Q I'd like to direct your attention to the</p> <p>16 first sentence of the third paragraph. It starts</p> <p>17 with the words, "Through life," and reads, "Through</p> <p>18 life, word, and deed, WVUS staff must be committed to</p> <p>19 glorifying God and witnessing His love in the person</p> <p>20 of His son Jesus Christ in all aspects of their lives</p> <p>21 and work, calling others to a life-changing</p> <p>22 commitment to serve the poor in the name of Christ."</p> <p>23 With respect to this sentence, I ask, to</p> <p>24 your knowledge in January of 2021, was it the</p> <p>25 position of World Vision Incorporated that gay people</p>

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<p style="text-align: right;">Page 114</p> <p>1 M. Freiberg</p> <p>2 were incapable of this by virtue of their lifestyle?</p> <p>3 MR. WARD: I'm going to object to form,</p> <p>4 to the extent it calls for a legal conclusion,</p> <p>5 and foundation, frankly.</p> <p>6 Q Do you understand the question,</p> <p>7 Ms. Freiberg?</p> <p>8 A Do I -- I need to answer that question?</p> <p>9 Q Yes, please. And do so truthfully.</p> <p>10 MR. WARD: To the extent you understand</p> <p>11 it and have knowledge -- factual knowledge,</p> <p>12 you can answer it.</p> <p>13 MR. WOLNOWSKI: Please -- okay. Your</p> <p>14 speaking objection is now serving as a</p> <p>15 function to coach the witness. Please.</p> <p>16 MR. WARD: I disagree, Counsel, but if --</p> <p>17 if you'd like to --</p> <p>18 MR. WOLNOWSKI: Thank you.</p> <p>19 MR. WARD: -- you could ask --</p> <p>20 MR. WOLNOWSKI: Thank you.</p> <p>21 MR. WARD: -- the witness --</p> <p>22 MR. WOLNOWSKI: If the witness</p> <p>23 understands the question, she can respond.</p> <p>24 Q Do you understand the question,</p> <p>25 Ms. Freiberg?</p>	<p style="text-align: right;">Page 116</p> <p>1 M. Freiberg</p> <p>2 heading states, "Does WVUS have the right to have</p> <p>3 such standards that address my behavior outside as</p> <p>4 well as during my work hours?"</p> <p>5 And underneath it, it responds, "Yes, it</p> <p>6 does under decades of well-established law. The</p> <p>7 religious freedom guaranteed in the First Amendment</p> <p>8 to the U.S. Constitution as well as a number of</p> <p>9 federal statutes, including the Civil Rights Act of</p> <p>10 1964, guarantee that a church or religious</p> <p>11 association such as WVUS has the right to consider</p> <p>12 religious criteria in employment matters. This</p> <p>13 includes the right to set and apply to job applicants</p> <p>14 and employees standards of conduct that are based on</p> <p>15 sincere religious belief."</p> <p>16 In light of this section, Ms. Freiberg,</p> <p>17 to your knowledge, in January of 2021, did this</p> <p>18 section apply to applicants or employees for World</p> <p>19 Vision Incorporated for all positions regardless of</p> <p>20 duties or title?</p> <p>21 A Yes. The standards of conduct, including</p> <p>22 number 2, apply to all employees.</p> <p>23 Q I'd like to direct your attention now to</p> <p>24 number 3 on that page.</p> <p>25 MR. WOLNOWSKI: If you could please</p>
<p style="text-align: right;">Page 115</p> <p>1 M. Freiberg</p> <p>2 A Can I ask Teri to please reread it?</p> <p>3 MR. WOLNOWSKI: Yes, you may.</p> <p>4 Teri, please reread it at your earliest</p> <p>5 convenience.</p> <p>6 (WHEREUPON, the previous question was</p> <p>7 read by the court reporter.)</p> <p>8 MR. WARD: Repeat all the same</p> <p>9 objections.</p> <p>10 A I don't think I can answer that question.</p> <p>11 You know what I'm --</p> <p>12 Q Why do you think -- go ahead, I'm sorry.</p> <p>13 A Yeah. I think what I'm qualified to</p> <p>14 answer is what is required to work at World Vision,</p> <p>15 but ultimately, I'm not in a position to describe,</p> <p>16 you know, what World Vision believes people can or</p> <p>17 cannot do. I know that World Vision -- you know,</p> <p>18 we -- we love and serve all people, just as Jesus</p> <p>19 did. What -- what my role is, is to apply our</p> <p>20 standards of conduct against, you know, our current</p> <p>21 and future staff.</p> <p>22 Q I'd like to direct your attention to the</p> <p>23 second page.</p> <p>24 THE REPORTER: (Complying)</p> <p>25 Q Under number 2, of which the subject</p>	<p style="text-align: right;">Page 117</p> <p>1 M. Freiberg</p> <p>2 scroll a little bit up, Ms. Ratner.</p> <p>3 THE REPORTER: (Complying)</p> <p>4 Q Have you had a chance to read section 3,</p> <p>5 Ms. Freiberg --</p> <p>6 A Yes. I read it --</p> <p>7 Q -- in its entirety?</p> <p>8 A I read it initially, yes.</p> <p>9 Q I'd like to direct your attention to</p> <p>10 "Examples of certain behaviors," and there is a</p> <p>11 section that includes a number of bullet points. I'd</p> <p>12 like to direct your attention to the third bullet</p> <p>13 point going from bottom to top that state, "Sexual</p> <p>14 conduct outside the biblical covenant of marriage</p> <p>15 between a man and a woman."</p> <p>16 A Okay.</p> <p>17 Q To your knowledge, in January of 2021,</p> <p>18 did this bullet point regard sexual conduct outside</p> <p>19 marriage, being in a same-sex marriage, or both?</p> <p>20 MR. WARD: Objection as to form.</p> <p>21 A Well, this bullet applies to all people</p> <p>22 regardless of their sexual orientation. It says that</p> <p>23 sexual conduct outside of the biblical covenant is</p> <p>24 between a man and a woman, you know, does not comply.</p> <p>25 So it applies also to heterosexual people.</p>

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<p style="text-align: right;">Page 118</p> <p>1 M. Freiberg</p> <p>2 Q Ms. Freiberg, I'd like to show you what</p> <p>3 will be marked as Plaintiff's Exhibit 12. This is a</p> <p>4 document which was -- is Bate-stamped WV 35 to 36. A</p> <p>5 document which was exchanged during the discovery</p> <p>6 phase of this litigation.</p> <p>7 MR. WARD: I'm sorry, Counselor, did you</p> <p>8 say 35 to 36?</p> <p>9 Yeah, this is 35 to 36.</p> <p>10 MR. WOLNOWSKI: Yes. My apologies.</p> <p>11 That's an error on my part.</p> <p>12 To clarify the record, Plaintiff's</p> <p>13 Exhibit 12 is actually documents Bate-stamped</p> <p>14 WV 2852 to 2853.</p> <p>15 Q Ms. Freiberg, please review the document</p> <p>16 presented to you as Plaintiff's Exhibit 12, and let</p> <p>17 me know once you've completed doing so.</p> <p>18 (WHEREUPON, the above-referred-to</p> <p>19 document, Bates-stamped WV-002852 through</p> <p>20 WV-002853, was marked as Plaintiff's</p> <p>21 Exhibit 12, for identification, as of this</p> <p>22 date, displayed by the court reporter, and the</p> <p>23 witness was given the opportunity to review</p> <p>24 the entirety of the document.)</p> <p>25 (Time noted: 6:35 p.m.)</p>	<p style="text-align: right;">Page 120</p> <p>1 M. Freiberg</p> <p>2 experience as being a member of the HR team, do you</p> <p>3 know whether or not these additions existed for the</p> <p>4 position of customer service representative for World</p> <p>5 Vision Incorporated in January of 2021?</p> <p>6 A Your question was whether -- what -- did</p> <p>7 you say "addition"?</p> <p>8 Q No, conditions.</p> <p>9 A Oh, conditions.</p> <p>10 There is nothing that I read that</p> <p>11 appeared inconsistent, so I -- I -- I agree with that</p> <p>12 to the extent that I've seen this document.</p> <p>13 Q I'd like to direct your attention to the</p> <p>14 second page. It starts with the heading, "Employment</p> <p>15 and Sexual Orientation."</p> <p>16 THE REPORTER: (Complying)</p> <p>17 Q I'd like to read it into the record.</p> <p>18 Under this heading, it states, "We don't ask</p> <p>19 preemployment questions surrounding one's sexual</p> <p>20 orientation during the applicant process. We don't</p> <p>21 exclude from employment those with a same-sex</p> <p>22 orientation. We do expect that all employees,</p> <p>23 regardless of orientation, abide by our standards of</p> <p>24 conduct, which among other things, requires employees</p> <p>25 to remain abstinent outside of marriage between a man</p>
<p style="text-align: right;">Page 119</p> <p>1 M. Freiberg</p> <p>2 Q Ms. Freiberg, have you had an opportunity</p> <p>3 to review the document which has been marked as</p> <p>4 Plaintiff's Exhibit Number 12?</p> <p>5 A I have.</p> <p>6 Q Have you ever seen this document before?</p> <p>7 A No, I have not.</p> <p>8 Q After having reviewed it and having a</p> <p>9 familiarity with the hiring practices of World Vision</p> <p>10 Incorporated in general, does this document</p> <p>11 accurately reflect the hiring practices of World</p> <p>12 Vision Incorporated as they existed in January of</p> <p>13 2021?</p> <p>14 A Yes.</p> <p>15 Q Does this document regard individuals</p> <p>16 seeking employment in the position of customer</p> <p>17 service representative for World Vision Incorporated</p> <p>18 in January of 2021?</p> <p>19 MR. WARD: Objection as to form and</p> <p>20 foundation.</p> <p>21 You may answer.</p> <p>22 A I can only say that at the top of the</p> <p>23 document, it says, Hiring Practices, Donor Contact</p> <p>24 Services, dash, Confluence.</p> <p>25 Q So based upon your knowledge and</p>	<p style="text-align: right;">Page 121</p> <p>1 M. Freiberg</p> <p>2 and a woman.</p> <p>3 "We honor employees' privacy, assume the</p> <p>4 best about their commitments to abide by our</p> <p>5 standards of conduct, and don't look for involvement</p> <p>6 in the private lives of individuals. We take</p> <p>7 employees at their word in matters of their privates</p> <p>8 lives, unless we have facts to the contrary. Our</p> <p>9 response to potential violations of our standards of</p> <p>10 conduct that come to our attention is to first ask</p> <p>11 employees about the situation and treat our employees</p> <p>12 with sensitivity, discretion, and care, along with</p> <p>13 providing an opportunity to align with our standards</p> <p>14 of conduct."</p> <p>15 With respect to approaching the situation</p> <p>16 involving the inconsistencies as they related to</p> <p>17 Aubry McMahon's application materials, would you say</p> <p>18 that you, Ms. Freiberg, followed this section of the</p> <p>19 hiring practices document that I've showed you?</p> <p>20 MR. WARD: Objection as to form and</p> <p>21 foundation.</p> <p>22 A Well, I guess I -- I would just remind</p> <p>23 you that I was not a recruiter in the recruitment of</p> <p>24 Ms. McMahon. Catherine Miolla was. So I believe she</p> <p>25 followed the requirements that are in line with the</p>

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<p style="text-align: right;">Page 122</p> <p>1 M. Freiberg</p> <p>2 document and what you've just read.</p> <p>3 Q So according to this document, it appears</p> <p>4 to me that World Vision Incorporated allows the</p> <p>5 employment of LGBTQ individuals, but if somebody is</p> <p>6 in a same-sex marriage, this would be a disqualifier</p> <p>7 for employment with World Vision Incorporated.</p> <p>8 Would you agree with that interpretation?</p> <p>9 MR. WARD: So I'm going to object as to</p> <p>10 form, and as to prior testimony, and as to</p> <p>11 foundation.</p> <p>12 MR. WOLNOWSKI: I have not asked her</p> <p>13 about this document prior to this line of</p> <p>14 questioning.</p> <p>15 MR. WARD: No, but she said she hasn't</p> <p>16 seen this document before.</p> <p>17 Q Do you understand the question,</p> <p>18 Ms. Freiberg?</p> <p>19 A I believe so.</p> <p>20 Q Okay.</p> <p>21 A So maybe the best way is just for me to</p> <p>22 state World Vision's practice or approach. So World</p> <p>23 Vision does not preclude an LGBTQ employee from</p> <p>24 working at World Vision so long as they can comply</p> <p>25 with our standards of conduct. And as we've looked</p>	<p style="text-align: right;">Page 124</p> <p>1 M. Freiberg</p> <p>2 Q So what if somebody were gay but married</p> <p>3 to somebody of the opposite sex, would that be a</p> <p>4 disqualifier -- or rather -- let me strike that. Let</p> <p>5 me rephrase.</p> <p>6 What if somebody were gay but married to</p> <p>7 somebody from the opposite sex, would they be -- have</p> <p>8 been able to work for World Vision Incorporated in</p> <p>9 January of 2021?</p> <p>10 MR. WARD: Objection as to form.</p> <p>11 A An individual can work for World Vision</p> <p>12 so long as their conduct remains -- their sexual</p> <p>13 conduct remains within a covenant of marriage between</p> <p>14 a man and a woman. So in your example, the person</p> <p>15 may be gay, but their sexual activity was confined to</p> <p>16 the spouse that they had of the opposite gender.</p> <p>17 Q So is the policy as it relates to</p> <p>18 same-sex marriage born out of prohibition of sexual</p> <p>19 conduct with another person, or is it born out of</p> <p>20 being contrary to a traditional man-woman marriage?</p> <p>21 MR. WARD: I'm going to object as to</p> <p>22 form.</p> <p>23 You may answer.</p> <p>24 A Well, the first part of the sentence in</p> <p>25 our conduct expectation is about sexual conduct. So</p>
<p style="text-align: right;">Page 123</p> <p>1 M. Freiberg</p> <p>2 before, that means that sexual conduct occurs within</p> <p>3 the biblical covenant of marriage. And marriage is</p> <p>4 between a man and a woman. So --</p> <p>5 Q So if -- I'm sorry, go ahead.</p> <p>6 A Yeah. So it's the conduct expectation</p> <p>7 versus the status of someone -- someone's orientation</p> <p>8 that is the behavior that precludes them from</p> <p>9 employment at World Vision.</p> <p>10 Q So if somebody is gay, that's not a</p> <p>11 disqualifier to work at World Vision in January of</p> <p>12 2021; correct?</p> <p>13 A That is correct.</p> <p>14 Q However, if somebody were gay and married</p> <p>15 to a person of the same sex as them, that would serve</p> <p>16 as a disqualifier to work for World Vision</p> <p>17 Incorporated in January of 2021; is that correct?</p> <p>18 MR. WARD: Objection. Objection as to</p> <p>19 form.</p> <p>20 You may answer.</p> <p>21 A It does on the basis that World Vision's</p> <p>22 belief of marriage is between a man and a woman, and</p> <p>23 that sexual conduct occurs within marriage. And so</p> <p>24 it is on that basis that someone in a same-sex</p> <p>25 marriage would be disqualified.</p>	<p style="text-align: right;">Page 125</p> <p>1 M. Freiberg</p> <p>2 it's that sexual conduct occurs within marriage, and</p> <p>3 then marriage is further defined as being between a</p> <p>4 man and a woman.</p> <p>5 Q So it's fair to say that it's -- in</p> <p>6 essence, covers two different types of conduct; is</p> <p>7 that correct?</p> <p>8 MR. WARD: Objection as to form.</p> <p>9 You may answer.</p> <p>10 A Yeah, it -- it -- I think the way I think</p> <p>11 about it is that it covers the sexual conduct first,</p> <p>12 and then defines marriage to supplement that</p> <p>13 definition.</p> <p>14 Q Understood.</p> <p>15 If Aubry McMahon had been male and</p> <p>16 married to a woman, would she have been in violation</p> <p>17 of World Vision Incorporation standards of conduct</p> <p>18 for employees?</p> <p>19 MR. WARD: Objection as to form.</p> <p>20 You may answer.</p> <p>21 A If Aubry McMahon was a man married to a</p> <p>22 woman and engaging in sexual conduct, that would not</p> <p>23 be in violation of our standards of conduct.</p> <p>24 Q If Aubry McMahon had been a male and</p> <p>25 married to a woman, would the offer of employment</p>

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<p style="text-align: right;">Page 126</p> <p>1 M. Freiberg</p> <p>2 extended to her on about January 5th, 2021 been</p> <p>3 rescinded by World Vision Incorporated?</p> <p>4 MR. WARD: Objection as to form.</p> <p>5 You may answer.</p> <p>6 A If Aubry McMahon were a man and she were</p> <p>7 married to a female and would have responded the way</p> <p>8 she did to the question to say that he, in this case,</p> <p>9 were -- were in compliance, then that would have met</p> <p>10 our criteria and the subsequent e-mail to say, My</p> <p>11 wife and I are expecting a baby, would not have</p> <p>12 required a further conversation with him.</p> <p>13 Q And to that end, her off- -- her offer of</p> <p>14 employment would not have been rescinded; is that</p> <p>15 correct?</p> <p>16 MR. WARD: Objection as to form.</p> <p>17 You may answer.</p> <p>18 A Well, in this case, it would have been</p> <p>19 his offer would not have been rescinded, because we</p> <p>20 described that scenario to be Aubry McMahon as a man.</p> <p>21 Q He also wouldn't have been having a baby,</p> <p>22 though, too; right?</p> <p>23 A Well, his wife was having the baby.</p> <p>24 Q If Aubry McMahon had been born</p> <p>25 biologically a female, yet converted to being a male</p>	<p style="text-align: right;">Page 128</p> <p>1 M. Freiberg</p> <p>2 that question. I -- I have not encountered that</p> <p>3 situation, so I would be seeking guidance.</p> <p>4 MR. WOLNOWSKI: Let's take a five-minute</p> <p>5 break, and we'll be back in five minutes.</p> <p>6 Off the record, I have 6:48.</p> <p>7 MR. WARD: Very good.</p> <p>8 Thank you.</p> <p>9 (WHEREUPON, a brief recess was taken,</p> <p>10 after which the following transpired:)</p> <p>11 (Time noted: 6:54 p.m.)</p> <p>12 MR. WOLNOWSKI: Okay. I don't have any</p> <p>13 further questions, Ms. Freiberg.</p> <p>14 Thank you very much.</p> <p>15 THE WITNESS: Thank you.</p> <p>16 MR. WOLNOWSKI: We can go off the record.</p> <p>17 THE REPORTER: Well, before we do that,</p> <p>18 can I do housekeeping?</p> <p>19 This is a federal case, so that means,</p> <p>20 who's going to be taking copies of the</p> <p>21 transcript?</p> <p>22 MR. WOLNOWSKI: Well, I'll certainly be,</p> <p>23 you know, purchasing copies, and ordinarily, I</p> <p>24 exchange copies with opposing counsel. So</p> <p>25 I'll only pay for one copy and I'll be</p>
<p style="text-align: right;">Page 127</p> <p>1 M. Freiberg</p> <p>2 at the time that he had applied for employment with</p> <p>3 World Vision Incorporated, would he have been in</p> <p>4 violation of World Vision Incorporated standards of</p> <p>5 conduct for employees?</p> <p>6 MR. WARD: I am going to object to form,</p> <p>7 and calling for speculation. I'm not sure</p> <p>8 about the latitude because you just keep</p> <p>9 posing hypotheticals.</p> <p>10 MR. WOLNOWSKI: Well, Rule 26 is very</p> <p>11 broad. I can ask her any question that are</p> <p>12 reasonably calculated to lead to discovery of</p> <p>13 admissible evidence proportionate to the needs</p> <p>14 of the case.</p> <p>15 MR. WARD: If relevant to --</p> <p>16 MR. WOLNOWSKI: I think that that fits</p> <p>17 nicely within that broad -- broad allowance.</p> <p>18 MR. WARD: If relevant --</p> <p>19 Q With that said, Ms. Freiberg, if you can</p> <p>20 answer the question, please answer it.</p> <p>21 MR. WARD: Rule 26 says if relevant to</p> <p>22 the claims or defenses.</p> <p>23 Q Ms. Freiberg, if you understand the</p> <p>24 question, could you please answer it?</p> <p>25 A You know, I'm actually unable to answer</p>	<p style="text-align: right;">Page 129</p> <p>1 M. Freiberg</p> <p>2 providing a copy to them. I -- I'm hopeful</p> <p>3 that the professional courtesy is reciprocated</p> <p>4 with respect to the deposition transcript of</p> <p>5 Aubry.</p> <p>6 (Discussion held off the record)</p> <p>7 MR. SZYMANSKI: We'd like to request an</p> <p>8 expedited copy of the transcript by the 22nd.</p> <p>9 MR. WARD: And, Matthew, we -- we should</p> <p>10 pay the difference -- not Casey, but if</p> <p>11 there's an expedite charge.</p> <p>12 MR. SZYMANSKI: Yes. Yes. Yes. Cas- --</p> <p>13 we're not asking Casey to bear that.</p> <p>14 THE REPORTER: Okay. We're off the</p> <p>15 record at 7:00 p.m.</p> <p>16 (WHEREUPON, the examination of this</p> <p>17 witness was concluded at 7:00 p.m.)</p> <p>18</p> <p>19 _____</p> <p>20 MELANIE FREIBERG</p> <p>21</p> <p>22 Subscribed and sworn to before me</p> <p>23 this ____ day of _____ 2023.</p> <p>24</p> <p>25 _____</p> <p>26 NOTARY PUBLIC</p>

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